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Complete and Authentic Detail  
OF THE SEVERAL  
DEBATES  
IN THE  
HOUSE OF COMMONS,  
ON THE  
EAST-INDIA BILL,

On THURSDAY the 27th of November, on MONDAY  
the 1st of December, and on MONDAY, the 8th of  
December.

TOGETHER WITH  
Authentic Copies of the two East-India Bills; the Arguments of Counsel against one of them; the several Papers, containing a true Statement of the Company's Affairs; Lists of the Divisions, of the Absentees, and of those who retired before the Divisions commenced.

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LONDON:  
Printed for J. STOCKDALE, opposite Burlington-House,  
Piccadilly. 1784.

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that the Court of Directors papers would that day oblige him to give, and to give minutely would assume a worse, and much more dismal complexion. Having said this, Mr. Fox moved for the copies of some Treasury minutes, made when the Court of Directors applied to the Board of Treasury for assistance.

Lord Mahon arraigned the indecency of the ~~Lord Ma-~~ <sup>hon.</sup> Secretary of State's conduct in moving for papers relative to the bill about to be taken under consideration, on the very day appointed for that purpose. His Lordship said, if the papers were necessary to be seen by the House, they ought to have been moved for sooner. If the Secretary of State thought them material, it was his duty to have made the motion in sufficient time, to have allowed the House an opportunity of perusing them with due deliberation, or he ought to have brought them down, and laid them upon the table without any motion. His Lordship said farther, that the Right Honourable Secretary had that day shifted his ground, with respect to his assertion of the state of the Company's affairs last Tuesday se'ennight, the House ought to recollect, that he had pledged himself to prove errors in the Court of Directors slate of the situation of the Company's affairs, either on the debtor, or on the creditor side, or upon the whole, to the amount of twelve

millions. This he had pledged himself specifically to prove, and this he was bound to make out.

Mr. Secretary Fox.

Mr. *Secretary Fox* said, with regard to the papers, he had just moved for, if he was asked whether he thought they were absolutely necessary or not, as a private individual, he should make no scruple to say, he thought they were not; but as, extremely contrary to his expectations, instead of the bill's being fairly met, it was intended to be debated on the question, whether the state of the Company's affairs were in a thriving condition, or otherwise, he thought it right to have every paper on the table, that could throw a light upon the business. The minutes he had moved for, were ready; they were neither complex, nor ambiguous, but distinct, clear, and obvious; a moment's perusal would as fully convey their purport as the labour of seven years study would acquire it. If the House chose to have them, well; if not, he for one, was perfectly indifferent as to the matter. With regard to the noble Lord's remark, that he *had pledged to prove errors* in the Court of Directors state of the affairs of the Company, to the amount of twelve millions, there seemed to be a peculiar propensity in the other side of the House to misrepresent what he said. He had neither formerly asserted, that the Company were bankrupts for eight millions, nor had he now *pledged himself to prove errors*, to the amount

mount of twelve millions. He had pledged himself to make objections to different articles inserted, and omitted, in the Court of Directors State of the Company's affairs to the amount of twelve millions ; these objections, he had said, he would accompany with the reasons upon which he rested them. That he meant to do, and he should certainly fulfil his purpose, but had not undertaken any proof of error whatever.

Mr. Whitbread said, that the Right Honourable Mr. Whitbread's Secretary of State's words had conveyed to his ear, and to the ears of many others, who heard him open the Bill to the House last Tuesday evening, something very like an assertion, that the Company owed eight millions over and above all they were worth, and that they were bankrupts for that sum.

The motion was put and carried, and Mr. Sheridan instantly brought up the papers.

The order of the day for the second reading of the Bill being at length moved, the petition from the Proprietors of East-India Stock, and the Petition from the Court of Directors of the East-India Company, were read, and as they respectively contained a prayer to be heard by counsel against the Bill, upon motion for that purpose, counsel were called in, when there appeared at the bar, Mr. Rous and Mr. Dallas on behalf of the Petition of the Proprietors, and Mr. Fording and

and Mr. Plummer on behalf of the Court of Directors.

Council  
heard at the  
Bar. Mr. *Rous*, after advertizing to the importance of the cause in which he appeared, to the Company to every chartered corporation, and to all the subjects of Great Britain, said, that the situation in which he stood at the bar was new and singular. Against his clients nothing was charged. What to prove, or what to refute, he was at a loss. He put the question to the Speaker, what was the guilt that was imputed to the East-India Company? and paused, in seeming expectation of an answer.

The *Speaker* said, Mr. *Rous*, you must guide your pleading by what appears on the face of the bill. I am not charged by this House with any information to you of any kind.

Mr. *Rous* therefore proceeded to reason against the bill, from a general view of it, and on general principles. He insisted on the injustice, the dil honour, the impolicy of violating public faith, and invading private property. The management of the Company's affairs was to be torn from themselves, and placed in the hands of a *dark cabal*, under influence, that might be very unsavourable to their interests. This was despotism; and despotism was by no means favourable to commerce, which required liberty, justice, and security of property for its very basis. It was

said

aid the Company was in a state of bankruptcy and ruin, and Parliament interfered to protract the evil day that was to consummate the ruin of the Company and the nation. He admitted, that a case might exist in which the legislature ought to interpose for the preservation of the state, and sacrifice a part to the good of the whole; but was the present such a case? If the Company were bankrupts, if they were in danger, and their probable ruin likely to ruin the nation, he would be silent, and deplore the hard necessity that demanded their downfall. He joined the House upon that fact, and undertook to prove by undoubted evidence, that the affairs of the company were in no other situation than that which the common course of events, and the natural order of things would render flourishing. The war had occasioned great expences to the company, but peace had been established with the Mahrattas, and such saving would be made, as would pay off all the arrears. Our success in the East had redeemed our losses in the West, and furnished the price of peace. He described the situation of our affairs in India, and concluded, that there was no apprehension of danger of any kind, but the greatest prospect of peace and prosperity. He placed the danger arising from such a precedent as would be established by the bill, if it should pass, in a very clear and striking light;

light; and affirmed, that if such infractions of public faith should become familiar, Parliament might be continued by way of form; but faction, cabal, influence would set the laws at defiance, and trample upon all property and justice. For what, he asked, is better secured to any man than the property of the Company is secured to them by different Acts of Parliament, which he pointed out. He concluded, as he had begun with shewing the general importance of the bill that was now agitated; and that the East-India Company, should that bill pass into a law, would only be the first victim to faction, and a spirit of tyranny. Mr. Rous produced the Court of Directors state of their affairs, which he established as evidence, by calling and examining Mr. Samuel Nicholl, the Accountant, and Mr. John Annis, the Auditor of the Company, as to the authenticity and correctness of the accounts so stated.

The following is a copy of the State of the Company's affairs, as produced by Mr. Rous, and laid on the table:

State of the Affairs of the *East India Company* in *England*, on the 19th *November, 1783*, and according to the latest Advices from their Settlements abroad.

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The Capital Stock of the Company consists of £. 2,800,000 paid by the Proprietors into the Company's Treasury, being after the Rate of 8 $\frac{1}{2}$  and an Half per Cent. upon the Sum of £. 3,200,000 subscribed, which is the Amount of nominal Capital. The Proprietors are liable to a Call, at the Discretion of the General Court, for the remaining 12 and an Half per Cent. upon the Sum subscribed, amounting to £. 400,000.

The DEBTS and CREDITS of the Company are as follow:

C

*Debts*

*Debts due by the Company.*

To the Proprietors of the Stock, called East-India Annuities, for the Capital thereof, being so much borrowed by the Company to enable them to make the Loan to Government of £. 4,200,000, mentioned on the other side of this account. These Annuities at present, sell at about 55 per cent. at which rate they are worth only £. 1,645,842, but the sum received for them, and which bears interest at 3 per cent. per annum, is

£.  
2,992,440

To the Company's bonds circulated in England by authority of Parliament, grounded originally on the afore-mentioned Loan to Government. The sum permitted to be so circulated, has from time to time been varied by Parliament: At present, the amount stands limited to two millions. The principal of each bond may be demanded on six months notice, and by the custom of the Company; the bonds on which six months interest are due, are received as cash in payment, for goods bought at the Company's sales. The sum at present in circulation, is £. 1,716,125

Besides bonds paid in for goods bought,  
which are stated as part of the cash on  
the other side of this account 280,575

1,996,700

To old bonds called in, but which have not been presented for payment, and on which interest has ceased  
To Government, for customs postponed by authority of Parliament

11,592

924,862

To ditto, for customs due and to grow due upon all the goods in hand unsold; in diminution of which, the sum of £. 186,584 9s. 3d. of debentures reckoned as cash on the other side of this account, will upon a settlement be charged

716,392

To ditto, for the last payment of the sum of £. 400,000, agreed to be paid for the renewal of the Charter

100,000

To ditto, for Exchequer Bills lent to the Company by authority of Parliament, which will become payable in April, 1785, and interest thereon

302,587

To accepted Bills of Exchange and Certificates, falling due as follows, viz.

Past due, but not presented for payment £. 36,280

Due before the 1st of March, 1784 85,892

Due between the 1st March, 1784, and 1st

March, 1785 552,700

Carried over 7,044,373

*Property of the Company.*

The debt from Government, for money lent by the Company, at 3 per cent. per annum interest	£.	4,200,000
Due to the Company from Government for the following Articles, the allowance of which is disputed:		
For subsistence of prisoners, &c. in the former war	£.	260,687
Expences on the expedition to Manilha	£.	139,877
Hospital expences	£.	21,447
		422,011
Cash, consisting of the following Articles, viz.		
In money	£.	142,794
In the Company's Bonds paid in at the sales, as mentioned on the other side, which the Company will again issue	£.	280,575
In debentures and custom notes, which will on settlement discharge so much of the sum charged on the other side as payable for customs	£.	186,585
	£.	600,958
Due for goods sold, but not delivered or paid for	£.	553,253
Value of goods in Warehouse unfold, of which all the freights and duties are paid or charged on the other side of this account, estimated to produce, clear of discount	£.	2,500,000
Merchandise exported to India, but not included in the accounts of property there, not being arrived when the same were made up	£.	1,219,091
Silver remaining in the Treasury for exportation	£.	1,090
Advanced on account of freight to the owners of ships now abroad, which will be deducted from the freight payable to them when they arrive	£.	172,334
Value of ships and vessels employed in England	£.	17,300
Value of the Company's houses and buildings in London, estimated by Surveyors, at the sum they sell for	£.	253,616
The prime cost of four cargoes on their passage from Bengal,	£.	703,824
Ditto, of cargoes dispatched from Bengal to other Presidencies, which are not reckoned as part of the stock at those Presidencies, not being arrived when the accounts thereof were made up	£.	364,515
	Carried over	11,011,993

*Debts due by the Company.*

	Brought over	£.
Due between 1st March, 1785, and 1st March, 1786	205,598	7,044,573
Due after March, 1786	94,624	
Two bonds payable on attested copies	15,704	
		990,798
<b>To bills of Exchange and Certificates not accepted, falling due as follows :</b>		
Before the 1st March, 1784	£. 32,646	
Between 1st March, 1784, and 1st March, 1785	641,322	
Between 1st March, 1785, and 1st March, 1786	775,869	
After the 1st March, 1786	48,463	
		1,498,300
N. B. Of this sum no more than about £. 588,000 can be accepted without permission from the Lords of his Majesty's Treasury		
<b>To sundry persons for freight and other demands, in the ordinary course of the Company's affairs</b>		458.481
<b>To sundry persons for dividends and interest due but not yet demanded</b>		149,901
<b>To half a year's dividend on the capital stock voted by the General Court, and payable next Christmas</b>		128,000
<b>To the amount of the interest on the military and contingent funds established by Lord Clive. At present the Company is only liable to pay to the objects thereof, the interest of this fund; but if ever the Company shall no longer have a fleet or army in India, the principal will then become payable to the heirs of Lord Clive</b>		72,632
		Carried over
		10,342,692

## Property of the Company.

Brought over £. 11,011,993

The accounts of the debts, credits, and effects of the Company at the several Presidencies in India, are unavoidably mixed with the provision made for the homeward bound cargoes of all ships not laden at the time of making up such accounts; and together with the cargoes arriving from Europe, the balances of those accounts constitute the fund for providing those homeward-bound cargoes. These accounts have always been kept separate from those of fortifications and other dead stock, and have been stated under the head of *balance of the Quick Stock*. According to the latest advices, the balances of these accounts of Quick Stock are as follow:

Quick Stock at Bengal, on the 28th of February, 1783, valuing the rupee at 2s. 3d. sterling :

In treasure and bills receivable — £. 777,361

Goods for Europe after the dispatch of the four cargoes herein before-mentioned

Goods imported, remaining unsold — 922,805

Salt paid for, and remaining unsold — 78,194

Stores, civil, marine, and military, unexpended — 119,891

Advanced to the Board of Trade and others, for future provision, of goods for Europe, and debts due in the ordinary course of business — 680,509

Debt due by the Nabob Asoph ul Dowla — 837,465

— 789,828

• £. 4,206,053

D E D U C T  
Debt due by the Company in Bengal, on bond and otherwise — 2,367,116

Balance in favour of the Company £. 1,838,937

N. B. The arrears due to the army in Bengal at this period, do not appear; but by a subsequent minute it appears, that the whole of their pay, and arrears of every kind, to the month of March, 1783, would amount to about £. 502,174.

Carried over £. 11,011,993

[ 14 ]

*Debts due by the Company.*

Brought over £. 10,342,692

Carried over

—

£. 10,342,692

*Property of the Company.*Brought over *£. 11,011,993*

There is also a sum of *£. 129,456*, arising from Lord Clive's military fund, for which the Company at present pays only the interest; but if ever they shall no longer have an army or navy in India, the principal will become payable to the heirs of Lord Clive in India.

A debt of *£. 130,500* from the Berar government to the Company, and a disputed claim of the Company, of *£. 60,186*, for interest on arrears of salt duties, are left out of this account.

The Quick Stock at Madras, on the 31st August, 1782, (since when there are no advices on this subject) stood as follows; valuing the pagoda at 8s. sterling:

Cash and bills receivable	—	<i>£. 280,400</i>
Goods provided for Europe	—	<i>68,694</i>
Goods imported, remaining, unsold	—	<i>89,140</i>
Stores, civil, marine, and military, unexpended	—	<i>264,110</i>
Debts due to the Company as follows:		
From the N. bob of Arcot	—	<i>968,012</i>
From the Rajah of Tanjore	—	<i>158,250</i>
From the Renters of sundry districts	—	<i>993,804</i>
Advanced for investment and sundry small debts	—	<i>76,832</i>

N. B. The war in the Carnatic will delay the payment of some of these debts, and must have rendered many others of them precarious, so that their exact value cannot be ascertained; but the above sums are undoubtedly due to the Company.

*£. 2,899,242*

Debts due to the Company at Madras, at the above period, by bond or otherwise, including all arrears to the military

— *821,164*

Balance in favour of the Company *£. 2,078,078*

Carried over *£. 11,011,993*

*Debts due by the Company.*

Brought over £. 10,342,692

Balance in favour of the Company, besides the articles hereunder specified, upon which no valuation is put in the preceding accounts, viz. — 3,968,481

The dead stock in India, consisting of fortifications, warehouses, and other buildings, &c. The articles falling under this description were valued by Lord Godolphin's Award, in the year 1702, at £. 400,000, but they have now cost the Company nearly seven millions sterling.

The Company's landed property in India, exclusive of the territorial revenues, produces an annual income of about — £. 881,000

The territorial revenues upon the Coast of Choromandel, and the Northern Circars, upon which the Publick has no claim, amount (subject to the charges of management) to about, per annum, — 350,000

The territorial revenues in Bengal, Bahar, and Orixa, amount (subject to the charges of management) to about, per annum, — 1,838,000

The subsidy paid by the Nabob of Oude, and the tribute from Benares, amount to a further clear income of about, per annum, — 962,000

The revenue arising from salt in Bengal, amounts to about, per annum, 450,000

The revenue of customs in India, amounts to about, per annum, — 236,367

The subsidy paid by the Rajah of Tanjore, amounts to about, per annum, 160,000

The subsidy paid by the Nabob of Arcot, amounts to about, per ann. — 200,000

Total of annual income £. 5,077,367

£. 14,311,173

*Property of the Company.*  
Brought over £.11,011,993

The Quick Stock at Bencoolen, consisting of the difference between cash and effects, and the debts owing there by the Company, amounted, in like manner, on the 19th March, 1783, to a balance in favour of the Company of — £. 189,036

The Quick Stock, at St. Helena, on the 30th September, 1782, amounted in like manner to £. 27,618

The Quick Stock in China, by an account dated 18th December, 1782, as explained by a letter dated 17th February, 1783, amounted after the dispatch of the ships of that season, which are arrived, and over and above all the debts of the Company in China to — £.132,596

The Quick Stock at Bombay, on the 15th September, 1782, valuing the rupee at 2s. 6d. sterling, stood as follows:

Cash and bills receivable	—	£. 24,663
Goods provided for Europe	—	95,145
Goods imported, remaining unfold	—	42,951
Stores, civil, marine, and military, not expended	—	148,003
Quick Stock at subordinates, not specified	—	20,075
Debts to the Company	£. 891,069	
Deduct the unsecured part of a debt from Ragobah	398,879	—
		492,190
Value of effects	—	£. 823,027

The amount of debt at Bombay of all denominations (besides the arrears due to the military, which are not specified) amounted at the above period to £.1,790,112  
Deduct the value of effects as above 823,027

Balance against the Company £.967,085

Recapitulation of the balances of Quick Stock :  
In favour of the Company at Bengal £.1,838,937  
Madras 2,078,078  
China 132,596  
Bencoolen 189,036  
St. Helena 27,618

Against the Company at Bombay	—	4,266,265
		967,085
		3,299,180
		£.14,311,175

SAMUEL NICOLL, Accountant,  
JOHN ANNIS, Auditor of Indian Accounts.

## Abstract of the foregoing Estimate.

Dr.	Cr.
To what owing from the Company to the annuitants — —	£. 2,992,440
To bonds bearing interest — —	1,996,700
To ditto, not bearing interest — —	11,59
To Customs on goods sold and unfold — —	1,64,254
To the Exchequer for the last payment to Government — —	100,000
To ditto, for a Loan of Exchequer Bills and interest — —	302,587
To bills of Exchange, &c. unpaid — —	2,489,098
To sundry debts on account of the trade — —	458,481
To interest on annuities, bonds and stock — —	149,901
To half a year's dividend on stock due at Christmas next — —	128,000
To interest on military and contingent funds more than applied — —	72,639
Balance in favour of the Company	£. 10,342,692
	3,968,481
	<u>£. 14,311,173</u>
	<u>£. 4,367,519</u>

Mr *Dallas*, after an apology for appearing in Mr. *Dallas*,  
the character of a pleader before so august an as-  
sembly, by the importance and by the extreme  
clearness and evident justice of his cause, allowed,  
that if indeed there was a necessity for the inter-  
position of Parliament, in the Company's affairs,  
it was their duty to interpose; but no such ne-  
cessity existed. No necessity that did not exist  
three years ago, when the Company, in consider-  
ation of advancing a sum to Government, received  
a renewal of their charter. He pressed on the  
Honourable Members of the House the iniquity  
of invading private property, and breaking the  
faith of Parliament. It was only when the very  
existence of a state was threatened, that such viola-  
tions could be justified. But he endeavoured to  
shew, that the great plea of bankruptcy, was with-  
out foundation, and expatiated on the resources  
of the Company. He said, that if the bill should  
pass into a law, it would be a death warrant to all  
the charters, and immunities of corporations, and  
of individuals in Britain.

Mr *Hardinge* appeared as counsel for the Di-  
rectors of the East India Company. The interests<sup>Mr. Hard-  
inge</sup> of the Company, he said, were invaded, and the  
honour of their servants attacked. The most  
violent outrage was threatened on all that can be  
held valuable by men. In speaking on a subject  
of such magnitude and importance, he intreated

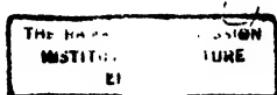
to be indulged, and he claimed, as his privilege, the utmost liberty of speech. When that liberty should be denied, the liberties of England would be laid low in the dust. He adverted to a great deal of that reasoning on the bill pending in Parliament, which had taken place in the House on former occasions; and that he might do so consistently with form, and without seeming to rest upon *extra-judicial* evidence, he treated the newspapers, from which alone he pretended to derive his information, as libels, as violent, scandalous, and severe libels against the proceedings of Parliament.—What, he asked, have the Directors done that ought to forfeit the confidence of the nation? Have they been guilty of an error of judgment in any instance? Pity them, and look at home. Is the defect, not in the servants of the Company, but in the system of the Company's government? Rectify that system. Supply its defects. Have they been guilty of any act of omission, or commission?—Prove their guilt.—Accuse them.—Punish them. Am I absurd, said Mr. Hardinge, in these propositions? Oh! but says the Honourable Secretary who brings forward the bill, this is not a bill of pains and penalties: It has no retrospect: For God's sake, Gentlemen, don't be alarmed; we do not mean to punish you; be quiet, least you should provoke an enquiry that may be followed with punishment. He recalled

to

mind the honourable testimony that had been  
borne to the virtue of the Directors by the Secretary  
himself, and challenged the House to impeach,  
if they could, the integrity of their conduct; in-  
demnity, where no crime was committed, was no  
favour; and it was a cruel insult to turn men,  
without any cause, out of their offices, and, at the  
same time, to justify such conduct by alledging  
that no other punishment followed that act of  
injustice.— You have done your duty very well.  
*Non pasces in cruce corvos.*

Mr. Hardinge shewed, that it was not from the defect of the law, or the fault of the Directors, that the abuses complained of in India had originated; and that distance and corruption, under any system, might often set laws at defiance. The Parliament had assumed to itself the privilege of nominating the Company's servants; those servants had not done their duty; and now it was proposed to visit the iniquity of the servants on the masters; would it not be better to enquire into the cause of abuses, and to remove that cause, than to go so roundly to work? Wherever any grievance takes place, is there no remedy but to appoint seven Commissioners to controul the subject of that grievance? The affairs of this nation are not in very good order;—we have lost America, and other possessions; yet we do not hear of any number of Commissioners for the govern-

4664.      ment



ment of national affairs. There are doubts and surmises, and a general gloom hanging over the *public funds*. Why not appoint seven Commissioners to controul the Bank, and to manage every thing else relating to public credit ? Mr. Hardinge pursuing this vein, enumerated various other particulars, in which the appointment by Parliament of seven Commissioners, and eight clerks alluding to the eight Assistant-Proprietors, would be as natural and proper as the appointment of Commissioners for the government of India. The bill in agitation he considered as wearing a very tyrannical and military aspect. The clause empowering the Commissioners to enter into all the Company's warehouses to seize their money papers, books, and property of every kind, put him in mind of an army entering into, and pillaging a reduced town. Having pointed out the addition which the bill would make to the influence of the crown, and the example it would set of disregard to the legal claims of the people, he recalled to the mind of the House former professions of patriotism, and touched on the duty and institution of Parliament to protect the commons. He exclaimed, in the language of the sacred Scriptures, " Oh ! that an enemy had done this ! But my own friend, my particular friend ! Even he did lift up his weapon against me !" Mr. Hardinge appealed warmly to the candour of the House, and forewarned them of the

the danger of breaking laws, and of diminishing the respect due to Parliament, and the national honour, in this kingdom, and throughout the world:—*Res agitur tua proximi cum paries ardet.* He dwelt on the dangerous tendency of the precedent, that the bill, should it pass into a law, would establish; and conjured the House not to give a wound to its own honour, and to the liberty of the nation, by infringing the laws, seizing private property and violating public faith.

Mr. Plomer observed, that besides the territorial <sup>Mr. Plomer;</sup> revenues, which amounted to five millions sterling annually, which the Company had provided by conquest, they were in possession of tenements and land, both here and in India, but especially in India, of very great value, as well secured to them as the possessions of any individual in England; they held them indeed by the same tenure, the good faith of Parliament. The will of Parliament being supreme, if that will should cease to be governed by a regard to equity, justice, and its own decisions, what property, or what person would be safe?—It was now two hundred years since the first institution of the English East India Company; their rights were confirmed by length of time, by long possession, by repeated acts of Parliament. Their territorial revenues should not be considered as belonging to Government, any more than their commercial concerns,

concerns, for these revenues were necessary to protect commerce, which was the great object, and the paramount consideration in our connection with India. He said, that the spirit of the bill was inimical to commerce, which disliked all dark cabals, and loved to explore its own affairs, and to chuse the terms on which it should run any risk, and the persons in whom it should confide. The proprietors of East India Stock were much interested in the good character of the persons whom they should send to India; and, in general, in all matters that came under their cognizance.—It was not so with the Commissioners. No particular interest bound them to the prosperity of the Company. Interests of various kinds might often lead them to act in contradiction to them; their situations would naturally inspire them with dispositions to intrigue, and to grasp at political power. It was stated in the ninth report, that the act which passed in 1773, narrowing the Court of Proprietors from voters of five hundred pounds property, to those of a thousand, had, by diminishing the number to be influenced, greatly contributed to encrease the power of the Crown to influence them. From that day a wider door of corruption and faction in the management of the Company's affairs was opened than ever; but with how much greater force does this argument apply to the small number of seven Commissioners. Those

men will naturally study, in the first place, to provide at all hazards for their own relations and dependents, as these, in their turn, will be, above all things studious to please their masters at home. Thus, Mr. Plomer concluded, that the tide of corruption would flow with a more violent current from India to Britain, than ever; and that whether the House had regard to its own purity, to the rights of the Company, or the general privileges of the nation, they would not suffer the bill before them to pass into a law.

Counsel being ordered to withdraw,

Sir *James Lowther* and Mr. *Fox*, both rose up to speak at the same time. The speaker beckoned to Mr. *Fox*, but Sir *James*, calling out with great earnestness, "I speak to order," Mr. *Fox* sat down, and the Honourable Bart. said, I will not detain the Honourable Secretary from entering on his ~~DEFENCE~~; but, as much of the debate on the subject before us will turn upon the situation of the Company's affairs, I move that the paper, containing a statement of those affairs which lies on your ~~table~~, be now read.

*Sir James Lowther.*

Mr. *Kenyon* supported this suggestion, and contended strenuously, that such was the order of proceeding necessary to be observed. Mr. *Kenyon* declared, that, if he might assimilate their mode of conduct with that of Courts of Justice, to the practice in which, he presumed, it bore

strong analogy, he was persuaded the Honourable Baronet was right in his idea. In the Courts below, Mr. Kenyon said, when any paper was produced and made evidence, it was handed up and read, before the Court proceeded any farther.

<sup>The Speaker</sup> The Speaker said, he took the rule of the House to be, that when any paper was established at the bar, it was handed up, received *pro forma*, and laid upon the table. That either then, or in any subsequent part of the debate, it might be read at the instance of any individual Member; but that the custom had obtained, for the sake of dispatch of business, not to read it unless the reading of it was called for, which it might be one hundred times in the course of the debate, if the Members thought proper.

<sup>Mr. Secretary</sup> Mr. Secretary Fox then rose, and said, the point <sup>tary Fox</sup> of order being adjusted, in the only way in which points of order could be adjusted, he would enter upon his *defence*, as it had been termed, but of which he never was, nor ever should be ashamed, as he hoped every Minister would consider himself as put upon his *defence*, when he rose to speak to any measure of Government, agitating in either House of Parliament. Nor was this merely a feeling that should animate a Minister when he rose; the same ought to be the feeling of every individual Member of Parliament, who brought

brought in and urged to the consideration of the House, a new measure. If the bill deserved the odious and aggravated epithets that had been put upon it by the Gentlemen of the Bar, and by the Gentlemen of the other side of the House, Mr. Fox said, he was indeed about to enter upon his defence; but it would, in that case, be a very arduous thing to form any thing like a defence, because he would deserve to be tried for a crime of so enormous and black a die, that no words could palliate it, or gloss it over. In the task he was about to perform, he should, Mr. Fox said, necessarily be obliged to paint the state of the East-India Company in very black colours, because he was convinced, that those who looked at it nearly, and experienced what it really was, could see it in no other. He hoped, however, that no man would consider him as triumphing over the distress of the Company, or deriving any satisfaction from it. One satisfaction, indeed, he could not avoid feeling, and that was, the satisfaction of being able to clear his character from the blackest calumny. He well knew, that it was generally an unwise thing to do what he was about to enter upon. That it better became a Minister to put the best face upon affairs of every sort, and above all, to take especial care that nothing ever fell from him, that should be at all likely to affect the credit of a great com-

mercial Company. The situation of the country, however, was such as would not allow the practice of those deceptions. We could only assist the nation by knowing and declaring what the amount of its distress was. Had not this been the case; had not the most urgent necessity impelled, he never would have brought in such a bill, as that under discussion. The bill was a child, not of choice but of necessity. In like manner, the answer he was about to give to the Directors state of the Company's affairs, was not a matter of option, but a matter which he could not avoid in justice to the Company, in justice to himself, and in justice to the public and to the world. With regard to what the Honourable Baronet had just said about reading the papers, that day presented, he believed that end would soon be answered, as he should have occasion, in the course of his speech, to read almost every one of those papers. Mr. Fox then adverted to the Company's state of their affairs, and proceeded to shew, that there was an account of twelve millions sterling, stated as funds due to the Company, that they might calculate upon as a resource to retrieve their affairs, but which, from the nature of the sums he pledged himself to prove, upon the principle on which this was made up, should be disallowed.

The account was said to be made up with this view ;—That the Directors of the Company were in such a situation, that it would be improper to pass the bill under consideration, or to take any step that would deprive the Company of the management of their affairs. And he begged that all he said might be considered in that point of view.

He then took up that side of the account which was entitled, "Property of the Company." He said, he did not mean to disallow the first item, or any part of it, viz. "The debt due from Government to the Company, lent at three per cent. per annum, amounting to 4,200,000l." At the same time he must mention a circumstance regarding the statement of that sum, because it gave a complexion to the system of fallacy that marked and pervaded every part of the account.

That sum of four millions was reckoned at the whole nominal amount ; whereas the real value of that sum should be taken at the rate of three per cent. stock. And the account on the other side, when it states the debt due by the Company, ~~observe that~~ the sum borrowed, to make that advance, ~~should~~ be stated at the rate of fifty-five per cent. being the rate at which those annuities were selling.

The next item, he said, he must totally disallow, is not being a sum to be in any respect dependent upon, for any relief to the Company at any time ;

time; but surely not capable of being brought to their relief now. That sum consisted of 422,011l. The first item of this sum, 139,871l. for subsistence of prisoners in the former war; by which he observed, was not to be understood the last war, but the war ending in 1763. So that the fifteen years of peace had elapsed before the commencement of the late war, without any success having attended the negociation to obtain it. The House therefore would judge what reliance was to be placed on it. Not that it ought to be entirely given up, a negociation was going on to procure it; and the Company might be assured in his department he had taken, and would take, every step to get the money, but he could by no means set it down as certain at all. And clearly as not allowable for the purpose for which this account was given in. 4664.

The next item, "139,871l. Manilla Ransom," which every Treasury, since the peace of sixty-three, had equally joined in disallowing, including even the Treasury of Lord Shelburne.

"The Hospital Expences of 21,441l. occurred at the peace of 1763, and was ~~equally to be~~ disallowed as a sum always disputed. This forming the sum of 412,041l. was all improper, inserted, and calculated to mislead and deceive,

The next sum, 609,934l. he did not mean to dispute, but observed, that the bonds, amount-

to 280,575l. ought rather to have been stated on the other side, because they must be issued again, in order to keep up the Company's credit.— However he allowed the whole sum of 609,954l. to stand.

The sum of 553,258l. due for goods sold but not delivered or paid for, he allowed to stand.

Next, the value of goods in warehouse unsold, of which all the freights and duties are charged or paid on the other side, estimated to produce, clear of discount, 2,500,000l.

Upon this he only made an observation, that he stated that sum at two millions, without the customs, whereas they stated it at the full amount, and state the customs as a debt due by the Company, placing it on the other side.

The next article, " 1,219,091l. merchandize, " exported to India, but not included in account " of property not being arrived when they were " made up," he said was just, with this exception, that there were 600,000l. contained in it of naval and military stores, which he could not allow, because they could not be converted to any purpose of relief to the Company. He therefore, upon this article, disallowed 600,000l.

The next item, he said, was a very small one indeed, but so material in its nature, that it had attracted his particular attention; and when he read it he had recalled to his mind an account stated by

by Shakespeare, in one of his best performances,  
 " So much for sack, so much for sugar; so much  
 " for one thing, and so much for another; and  
 " for the most necessary article of all, for bread,  
 " one halfpenny!" So here there were great sums  
 for ransom! Great sums for stores expended, and  
 to be expended. Great sums for ditto due that  
 never could be got! All these unproductive arti-  
 cles were great and magnificent; but see bullion,  
 only 109*cl.*!!

To the next article of 172,334*l.* advanced "on  
 " account of freights to the owners, to be deduct-  
 " ed from freight, payable when they arrive."—  
 He begged to call the attention of the House in a  
 most particular manner. He then stated, that  
 while upon one side of the account they had taken  
 credit for the advance of freight, and made that  
 sum of 172,334*l.* due to the Company, and form-  
 ing part of the Company's property; they had  
 kept back and concealed the whole of the freight  
 and demurrage due by them, and to be paid on  
 the return of those ships. He then stated the  
 number of the ships abroad, deducted those that  
 were paid for, and deducted the Bengal ships  
 lost; by which deduction the freight and de-  
 murrage of thirty-seven ships, the number remain-  
 ing on which freight and demurrage was due, amount-  
 ing to a million and a half, was in the most sc-  
 dalous manner totally omitted on the other

as a part of the debt due by the Company. Such a conduct as that of those who made up and attested this account, called for the severest reprobation. And he added, that should such a gross breach of trust be committed by those whom he wished to be appointed in the management of the Company's affairs, he should call them severely to account before Parliament for part of their conduct. The next item, "the value of ships " and vessels in England 12,300l." he disallowed, because, he said, if they were to continue their trade, and to enjoy their exclusive privilege, which it was the principle and foundation of the bill to preserve to them, without those ships they could not carry on their trade. The same observation applied to the next article, " 253,616l. value of " houses and buildings in London " These they must have upon the idea of continuing their trade: They could not convert them into cash for their relief, without giving up their business and trade; therefore, upon the principle of this bill, which was to preserve their trade, and to enable them to carry it on with advantage, he could not allow this sum.

The next sum, " 703,824l. prime cost of the cargoes on their passage from Bengal," has, in the multiplicity, variety, and intricacy of the articles of this account, escaped the reporter. He can only recollect in general, that the observation

was of this nature: That this sum of 703,824l. was, upon a supposition that the profit would pay the freight and demurrage; whereas the Bengal trade is attended with a loss of 18l. per cent.

The next article of "364,515l. for cargoes dispatched from Bengal to the other Presidencies," are stores, and not investments in the way of trade, and therefore not to be reckoned as a fund, by which the necessities of the Company are to be reduced.

On the next article, "Quick Stock at Bengal, taking the Rupee at 2s. 3d." He observed, that, from an assay made at the Tower, the value of the rupee had been ascertained at 2s. and that it ought actually to be taken as worth no more.

Next, "Treasure and bills receivable, 777,361l." He allowed, but said the receipt would be tedious.

The sums of 78,194l. goods imported, remaining unsold, 419,891l. salt unsold.

Goods for Europe, after the dispatch of the four cargoes before mentioned, 922,805l.

He made no objection to, but observed, as already stated, that the trade was at a loss.

The next article of 680,509l. stores, civil, marine, and military, unexpended." He objected to, upon the very same grounds that have been already stated, because those stores never could

could have been brought to the relief of the Company, and that, in the present moment, there was much reason to doubt whether any part of them existed now, but they certainly were not likely to remain long unexpended.

The next article was " money advanced to the Board of Trade, and others, for future provision of goods for Europe, and debts due in the ordinary course of business, 837,465l." as far as it is possible for us to recollect, Mr. Fox said 635,000l. was for three ships from Bengal, and therefore liable to the objection stated above to the Bengal trade. The loss about 160,000l.

He then stated the next article, viz. " The debt due by Asoph ul Dowlah, 789,828l." He said, he never could allow the debts due by Country Powers, to be reckoned as part of the Quick Stock of the Company; that it was unproductive, and if attempted to be made otherwise, it would be ruinous to India, and expensive to the Company. Upon this, he took the opportunity of observing, that the idea of stating the debts due by the Country Powers in India, is a mean whereby the Company might be enabled to retrieve their affairs, was the most fallacious that could be imagined. There was not an instance of a debt due from those powers, that was not only the cause of deluging countries with blood, destroying the helpless, the innocent,

and the virtuous, but was actually, and, in fact, the cause of squandering sums of money in military expeditions, to procure payment of those debts: That the debt due by Afsoh ul Dowlah was in a situation to make it impossible to receive a single rupee of it by any other means than the sanguinary measures already described: That Prince, he said, was at present in such a situation, that he was borrowing money to supply his necessities, at the rate of 2l. per month, which, with compound interest, amounted to little less than 30l. per annum. If the Company, in order to procure this sum for the relief of their affairs, should be so impolitic and ill-advised as to attempt to force a payment of it, the answer would be, "I have no money; my country is in a state of desolation; I have no manufacturers." But "if you must have the money, it must be procured by proceeding against those powers who " resist paying to me what is my due. Provide " me with an army, assist me in my expeditions, " and I will procure for you money necessary to " pay the debt I owe." In this manner the Rohillas one year, the Mirawar country, then the Polygars, were laid waste and desolated, and those innocent and unprotected natives destroyed; the men were murdered, the women imprisoned and disgraced, their children left a prey to want, and every religious and civil right violated. As a proof

proof of this, he read, as a part of his speech, the letter of Col. Bonjour, a Swiss officer, who had been ordered to carry orders similar to those or similar purposes, into execution. The letter it once proved, both the humanity of the writer, who remonstrated against the orders of his employers, and the cruelty and rapacity of the Governors of India, in the strongest terms. Upon this ground, to the universal conviction of all who heard him, he shewed, that the idea of stating those debts, as a fund from whence the Company could be relieved, was absurd, the attempt cruel, and the certainty, that instead of regaining the sum owing, it would be throwing good money after bad.

The next article was, "debts by the Company in Bengal ~~on~~ bond and otherwise, 2,367,116l." Upon this he only observed, that from the word otherwise, it might be imagined that there were considerable debts not on bond—whereas the whole amount was on bond except 100,000l. With this observation to mark the file of the account he allowed the sum.

\* He then remarked on the ballance in favour of the Company, 1,8,937l." Which is the ballance of Quick Stock, as stated in the account to be in favour of the Company at Bengal. Whereas the Quick Stock at Bengal upon the principle he went upon, viz. The relief it would afford to the

the Company now is, if we recollect right, 100,000l. against the Company.

He then came to the N. B.—“ The arrears due to the army in Bengal at this period *do not appear*; but by a subsequent minute *it appears*, that the whole of their arrears of every kind to the month of March 1783, would amount to 502,174l.”

Here he remarked on the words *appearing* and *not appearing*, and added, that knowing the sum and stating it here, they had not done what they ought to have done, stated it on the other side of the account as a debt due by the Company.

He next came to the Quick Stock at Madras, as it stood August 31, 1782, valuing the pagoda at 8s. cash and bills 280,400l. Goods for Europe 68,694l. Goods imported unsold 89,140l. he allowed, but observed that it might be eat up by the establishment.

“ Stores, civil, marine, and military 264,110l.” he disallowed on the principle already stated.

“ Debts due to the Company from the Nabob of Arcot 68,012l. Raja of Tanjore 158,250l. “ the Renters 993,804l.”

He disallowed, without exception, upon the principles already stated, with regard to the debt of Asoph ul Dowlah. He said, the Nabob could not attempt to pay his debt, without attempting to take

like it from the Rajah, nor the Rajah, without taking it from some neighbouring power, and all this with the assistance of the Company's troops, and at the expence of the Company's treasure. 6,832l. advanced for investment and sundry small debts he allowed.

He then came to a second N. B. and after having read—"The war in the Carnatic will delay payment of these debts, and must have rendered others of them precarious, so that their exact value cannot be ascertained." He stopped, and asked the House, if they could, without seeing the paper, have guessed what was to follow—having paused for a moment, as if for an answer, and proceeding, he said, these words follow: "But the above sums are undoubtedly due to the Company."

The ridicule, the absurdity, and the determination to impose, contained in this annotation, drew from him a vein of irony and attack that we scarcely remember to have heard equalled even by Mr. Fox. He once more dwelt upon the scandalous conduct of those who had dared to produce to Parliament an account so full of imposition and absurdity; particularly with regard to the stating these desperate and ruinous debts, more ruinous in recovering, than abandoning, as a fund, and the unparalleled impudence of this conclusion of the N. B. that the above sums were undoubtedly due to the Company. No doubt

doubt they were due ; and if the Company were to go on for five years more, five times the sum might, and probably would, from the experience of past times, be five times as great and from thence it would be in the power those who had the hardines to impose upon the public by such an account to shew the Company in a better situation every year, as their debts increased. That they would soon have it in the power to prove the flourishing state of the Company, by stating the debts of the Nabob at two 900,000l. and those of Asoph ul Dowlah at double the sum he owes. But he desired the House to recollect, that it was their business to interfere to prevent that species of prosperity from gaining further than it had hitherto gone, and to stem the torrents of blood which must flow, if the attempt was made to procure them ; an attempt which must end in wasting more money (letting considerations of humanity aside) than the amount they would repay.

“ Debts due by the Company at Madras, August, 1782, including arrears to the militia 821,164l.”

He stated to have increased since, that the Right Honourable Gentleman opposite (N Pitt) knew it, it was a secret disclosed to the Treasury, of which he was a Chancellor of the Exchequer, and he doubted not, he would mention it.

By these disallowances, he reduced the balance of Quick Stock at Madras from 2,078,078l. to little more than 500,000l.

“ Of the Quick Stock at Bencoolen, consisting of the difference between cash and effects, and the debts owing by the Company, amounting on the 19th of March, 1783, to balance in favour of Company of 189,036l.”

He allowed only the odd 89,000l. the other 100,000l. being establishment, and therefore on the footing of warehouses. Not convertible, unless they give up trade—consequently not applicable to present relief.

The Quick Stock at St. Helena, 27,648l. disallowed on the same principle.

The Quick Stock in China, 132,596l. he allowed, because consisting of goods.

“ Quick Stock at Bombay, 15th September, 1782, valuing the rupee at 2s. 6d.. Cash and bills 24,663l. he allowed.”

“ Goods provided for Europe, 95,145l.” Of this he disallowed 32,000l. put on board two ships that sailed after the date here taken, and which was included in the prior statement of goods in warehouses; therefore stated twice, 148,000l. for military and naval stores, disallowed for reasons formerly given.

The debts due to the Company of 891,069l. he doubted of as much as of the unsecured part

of Ragobah's debt, for the reasons already stated. By these deductions the debt due by the Company at Bombay amounted to 2,000,000l. instead of 1,790,000l.

He then stated that the capital of the Company advanced by the Proprietors, being to be repaid, or retaken, by each Proprietor, it was to be deducted likewise, amounting to 3,200,000l.

He next observed, that there were none of those articles that he had deducted, that were not upon the principle on which he sat out. That the Company's charter was not expired, that they were not to give up trade, but should be allowed to the extent of the sum of 12,000,000l. which he had originally mentioned.

He said, he had but one observation to make upon the other side of the account: Those who made up the account, had stated as a ~~debt~~ due to Government 100,000l. being the last payment of 400,000l. agreed to be paid for the renewal of their Charter. He desired the House to observe, that the sum of 400,000l. was not given for that purpose; that it was paid the public for their right in the territorial acquisitions, and that those who would examine the ~~act~~ of Parliament would find it so. But the Court of Proprietors, which disregarded the resolutions of the House of Commons, had, on this occasion, dared to misrepresent the ~~act~~ of the whole legislature. He concluded

cluded this able, laborious, and wonderful investigation of the account, with the severest strictures on those who had made it up and presented it, and then went on in the highest strain of argument and eloquence to defend the principle of the Bill.

He observed, that necessity had been deemed the tyrant's plea. He begged it to be remembered, that it was also the freeman's. To what did we owe the Revolution but to necessity? A necessity that superseded all law and was the glorious means of giving liberty to England. On the present occasion, had it not been agreed on all hands, that some measure of regulation and reform was necessary with respect to India. Nay, had not a Right Honourable Gentleman opposite to him, and his friends, been loud in calling out for a system, complete and well digested. Had they not said, *no palliatives, no half measures!* But it was now complained, that the Bill violated the Company's Charter. What did the Bill in 1773? What did the Bill in 1778? What did the Bill brought in last year? Let the learned Gentleman opposite him (Mr. Dundas) say how any effectual reform in the conduct of the India Company's affairs could be made without touching their Charter. Did the present Bill offer more violence to it, than the Bill proposed last year? In what lay the difference? That Bill aimed at lodg-

ing an absolute and despotic power of governing in India. This provided a controllable government, but a powerful one here at home. To give power was generally considered as a dangerous delegation, but it became the more dangerous in proportion, as it was lodged at a distance. A virtuous and a wise man might lose his principles and his understanding in India. Disease and luxury might co-operate to enervate ; the sight of wealth within reach might win to rapacity, and the once pure mind, weakened by climate and example, might be betrayed to corruption and plunder. The temptation was not so great in England. The Commissioners were to act at hand, and to be under the immediate eye of Parliament. Where then was the danger so loudly trumpeted forth to the world, and so industriously made the subject of popular clamour ? The influence of the crown will be increased, say the enemies of the Bill. Would it be unnecessarily increased ? Would it exceed the degree of responsibility that must accompany it ? At present, and for years past, the Crown had the patronage of India in its hands, but how ? Irresponsibly and in secret. Which was most to be dreaded : influence in the dark, or influence open, known, and subject to the control and censure of Parliament ?

Some measure was admitted on all hands to be necessary ; if the present was disapproved, those who

who disapproved it were bound to propose a better. Perhaps it would be argued, that the distress of the Company was solely owing to the burthens and pressure of an expensive war, and that what had arisen from a specific misfortune ought not to be attributed to general misrule and mismanagement. In proof that this was not true, he would read a letter from a person in a high and responsible situation, in India, in 1772. Mr. Fox then read an extract, which, in the language of conviction, attributed all the disasters in India, of that day, to a want of vigour in the principle of the system of its government adopted and pursued by the Directors at home. The writer of the letter, Mr. Fox said, was not a favourite with him in all cases; but his position carried authority with him in all cases; but his position carried wisdom in it, and his argument was founded on sound policy. The other side of the House, at least, he hoped, would agree in this, when he informed them that the writer of the letter, he had just read, was no other than Mr. Hastings himself.

That the Bill ought to pass, if it passed at all, with the utmost dispatch a variety of reasons concurred to testify. The seeds of war were already sown in India, and a note left by Sir Eyre Coote, a man whose memory deserved every possible praise on account of his gallant actions, afforded alarming proof of it. The deceased

leader

leader of the troops in India, had written to the Governor of Madras, that the expence and burthens incurred by the Company, in consequence of the late war, could only be recovered in India, by a fresh war with Tippoo Saib. Let the House pause upon this, let them reflect upon the Gazette, the dispatches of which reached the India House, and filled the General Court with disappointment and dismay, in the very moment that an Honourable Gentleman, whose zeal and ardour carried him generally too far, was loud in declaring that all was peace in India, and congratulating the proprietors on the prosperous situation of their affairs. Let the House also learn from that Gazette, the pressing occasion for an immediate reform of the Government of India. Let them see the cause of the disasters recorded in those direful dispatches—a quarrel among the officers on the common theme of quarrels in India, the division of the spoil, the disposal of the plunder taken from the natives. They would learn from the Gazette, that our army had lost all subordination, as they had learnt from other publications, that our civil government in India had lost all energy. There were also additional causes to expect a war there, and to dread its communicating to the other quarters of the globe, if proper means to prevent it were not instantly resorted to. Let them think on the

compact at Poonah, and compare it with the 16th Article of the Definitive Treaty of Peace between Great Britain and France, by which both Crowns bound themselves to a certain line of conduct respecting their allies in India. Mr. Fox dwelt upon this for some time, and shewed that we might suddenly find ourselves involved in a war with France, if due care was not taken to avert the mischief. He also painted in glowing colours the alarming state of the civil goverment in India, in consequence of the dissention between the different presidencies ; he declared, he felt for Lord Macartney, for whom he had ever entertained the sincerest respect.—That noble Lord had proved himself the most obedient to direction from home, the purest in principle, and the most zealous in conduct, for the national honour, of any Governor ever sent to India ; but who could say that Lord Macartney had not been suspended, nay, who could say that he was not at this instant a prisoner, or that he had not shared the fate of Lord Pigot ? After urging this very pointedly, he added new arguments to prove the necessity for passing the bill, and said, the assertion that the India Company could go on without relief from Government was so false, that they well knew if the bill failed, Government could issue an extent and seize on all their property within a fortnight. He said farther, that he considered suffering the Company

pany to borrow more money was in fact lending them the security of Government for what they borrowed, and that before he proceeded that length, he held himself bound to take every possible means to make the safety of the public and the prosperity of the Company go hand in hand together. He knew that in doing so, he put this own situation, as a Minister, to the hazard, but where upon a great national ground he could establish a measure at once salutary and useful likely to rescue the natives of India from oppression, and save the honour of the country from disgrace, he little cared how great the personal risques were, that he was to encounter.

Mr. Fox, in the course of this speech took notice of the India Regulating Bill, which however deficient in point of policy, it might be found would not, he believed, be thought to be wanting in regard to numerous clauses, or shew that Ministers, had not very fully applied themselves to the present situation of India. That bill, he said, in almost every one of its clauses, restrained and lessened the exercise of the power of those who were to act under the authority of the bill then before the House. The two bills ought therefore to be considered as it were together, the regulations of the one tending to correct and temperate the other. He hoped the bill would not be rejected; but if it should, he would find a

consolation

consolation in the remembrance of having made an attempt, to extend freedom and happiness to a number of people nearly equal to all the inhabitants of Europe. But if the bill should succeed, he would consider it as the pride of his life ; and if he should be remembered after his death, he wished that his name might be associated with the bill that had for its object the happiness of the Gentoos, and the real interests and true glory of Great Britain. Mr. Fox concluded with moving that the bill be committed.

Mr. W. Pitt then rose, and said, he [felt great <sup>Mr. W. Pitt</sup> difficulty indeed, in respect to the manner in which he ought to conduct himself under circumstances so peculiar as those attending that debated. Impatient as he was to enter upon the discussion of the principle of the bill with regard to all its various and more important considerations, with regard to the alledged necessity upon which it was grounded, with regard to a comparison of the extent of the necessity with the extent of the remedy, with regard to the bold and unprecedented attempt to demolish all the chartered rights of the East India company, and to confiscate their property ; with regard to the enormous influence that the bill tended to give to the Crown, or rather to the present Ministry ; and with regard to all the other great points, respecting which, he was at that moment so strongly impressed, that he could

scarcely restrain him from entering upon their discussion yet he felt himself precluded from touching one of them, and obliged, as it were, to meet the new turn that the debate had assumed, and to argue the case, rather as if it were a case of account between the Minister and the Court of Directors of the East India Company. Mr. Pitt having made an exordium to this purport, reminded the House that the statement upon the table had been authenticated and established in due form by evidence at their bar, and that all they had heard in opposition to it, was the bare assertion of the Secretary of State, unsupported by any evidence whatever, and the assertion of a Secretary of State who had been generally understood to have stated the East India Company, in a former debate, as bankrupts for eight millions; an assertion since shifted, disavowed, and refuted. They would consider also that the Right Honourable Gentleman, had himself declared, that he was forced to contradict the statement of the Court of Directors somehow or other, in order to clear up his own character. These were matters necessary to be held in mind, as they would serve as a key to the conduct of the Minister that day, and the degree of credit due to his assertions.

Mr. Pitt desired the House to take notice, that the ground of necessity, upon which the bill had

had been originally declared to have been introduced, was now changed ; that necessity no longer rested on the simple and obvious proposition, the bankruptcy of the East India Company, but was that day placed on a still weaker foundation, but a foundation infinitely more fallacious, upon the temporary distress of the Company. Was that a fit plea to warrant the passing of a bill, which openly professed a daring violation of the chartered rights of the Company, and proceeded to an immediate confiscation of all their property ? Ought the House to be satisfied with it, even if proved beyond the possibility of question. He trusted they would not, he trusted the House had too much regard for their own honour and dignity, too scrupulous an attention to justice, and too conscientious an adherence to their duty to their constituents, to support the Minister in one of the boldest, most unprecedented, most desperate and alarming attempts at the exercise of tyranny, that ever disgraced the annals of this or any other country. The Right Honourable Gentleman whose eloquence and whose abilities would lend a grace to deformity, had appealed to their passions and pressed home to their hearts the distressed situation of the unhappy natives of India. A situation which every man must deeply deplore, and anxiously wish to relieve ; but ought the Right Honourable Gentleman to

proceed to the protection of the oppressed abroad by enforcing the most unparalleled oppression at home? Was the relief to be administered in Asia, to be grounded on violence and injustice in Europe? Let the House turn their eyes to the very extraordinary manner in which the very extraordinary bill, then under consideration, had been introduced. When the Right Honourable Gentleman had opened it to the House on Tuesday evening, he had urged the indispensable necessity of the measure, as its only justification, and in order to carry that necessity to the conviction of the House, he had given such a state of the Company's affairs, as to convey to the ideas of almost every gentleman present, that the Company were bankrupts to the amount of eight millions (Mr. Fox *shook his head*). Mr. Pitt said, he was ready to admit, that the Right Honourable Gentleman had not expressly said so, but he should still contend that the manner, in which the Right Honourable Gentleman had stated their affairs, had conveyed that idea. It had been entertained by most of those, who heard the Right Honourable Gentleman, it had been entertained by the public, and it had been entertained by the Company. The Right Honourable Gentleman had himself confessed, he had made several omissions in his former state of the Company's affairs; omissions he certainly had made; omissions, gross, palpable, and prodigious. What was the consequence?

quence? the Company flatly denied the Right Honourable Gentleman's statement. They prepare an account of the true state of their affairs; their produce is at the Bar of the House, they establish its authenticity by the concurrent testimony of their Accountant and Auditor. What happened then? the Right Honourable Gentleman declares it is incumbent on him to clear his own character, and that can only be done by refuting and falsifying the Company's statement of their affairs, to the enormous amount of twelve millions. Arduous and difficult as this task was, the Right Honourable Gentleman enters upon it with a degree of spirit peculiar to the boldness of his character. He acknowledges that the Company's paper must be deprived of its credit somehow, and he proceeds in a most extraordinary manner to effect a purpose, he had just told you was so necessary to himself. The Right Honourable Gentleman had ran through the account with a volubility that rendered comprehension difficult, and detection almost impossible.—Mr. Pitt then said, he had attempted to follow Mr. Fox through his commentary, and though it was impossible upon first hearing such a variety of assertions, to investigate the truth of all of them, and completely refute their fallacy, he would undertake to shew, that the Right Honourable Gentleman had unfairly reasoned upon some of

of the articles, grossly misrepresented others, and wholly passed by considerations material to be adverted to, in order to ascertain what was the true state of the Company's affairs. He then entered into a revision of the credit side of the Company's statement, and endeavoured to overturn Mr. Fox's objections to some of the articles, and to defeat the force of his observations upon others. He justified the Company's giving themselves credit for 4,200,000l. as the debt from Government, on the ground, that as they had advanced the full principal of that sum to Government, they had a right to give themselves credit for the whole of it; and the more especially, as on the other side they made themselves debtors for 2,992,440l. borrowed, to enable them to make the loan to Government of 4,200,000l. The money due for subsistence of prisoners in a former war, for the expences of the expedition against Manilla, and for hospital expences, he also reasoned upon, to shew that the Company were not to blame for inserting them on the credit side of their account. The Right Honourable Gentleman, he said, had such a happy talent of rendering even the dryest subject lively, that his pleasant allusion to the charge of *one halfpenny* for bread in Falstaff's tavern bill, when he came to take notice of the 1000l. amount of silver remaining in the Treasury of the India Company, had

so far caught his fancy, that it was not till a minute or two afterwards, that he glanced his eye a little higher in the same page of the Company's account, and saw an entry of money to the amount of 142,794l. Mr. Pitt dwelt upon this for some time, and went into a discussion of the observations of Mr. Fox upon the entry of 280,575l. for bonds, which he strenuously maintained the Company had a right to give themselves credit for. He also entered into a long argument respecting the sums credited for freights paid, defending them from Mr. Fox's observations. He likewise defended the entry of 253,616l. as the value of the Company's houses and buildings in London, declaring, that as the Company understood themselves to stand charged with bankruptcy, they felt it necessary to state the value of the whole of their assets in the schedule of the particulars of their estate. He reasoned for some time on the assertions of Mr. Fox, upon the prime cost of four cargoes on their passage from Bengal, and said, notwithstanding the arguments of the Honourable Gentleman, that when the freights and duties were paid, there would be a loss rather than a profit on the investment, he believed the reverse would be the fact, for he generally understood, that when an investment was made in India, the prime cost was at least doubled in the price the cargoes fetched in England. He opposed

opposed Mr. Fox's observations on the different entries under the head of Quick Stock, at the various Presidencies of Bengal, Madras, and Bombay, and at Bencoolen, and in China, contradicting many of them, and upholding the Company in their statement. He declared he did not know what the Right Honourable Gentleman alluded to, relative to the private debt incurred by the Madras Presidency. With regard to the debts due from the Nabob Afoph ul Dowla, and the Nabob of Arcot, he said, the Honourable Gentleman had taken advantage of those facts to display his oratory, that the House was lost in a blaze of eloquence, and so dazzled with the lustre and brillancy of the Right Honourable Gentleman's talents, that they were deprived of the exercise of their sober reason, and rendered incompetent to weigh the propriety of the Company's making any mention of debts, some of which they expressly declared would be lingering in their payment, and others they acknowledged to be precarious. After going through the observations, and objections of Mr. Fox, and contending that the Right Honourable Gentleman had uniformly declined any sort of discrimination as to the different periods of time, that the Company's debts would come upon them, but had argued, as if the whole were due at the present moment, Mr. Pitt said, the last matter urged against the Company,

pany, viz. their capital, was to his mind the most extraordinary of any thing he had ever met with. He had often heard, when traders were bankrupts, or when it became necessary, that their affairs should be vested in the hands of trustees, that it was incumbent on them to discover the whole amount of their debts to others, but he never before knew, that it was either incumbent on them to state, or necessary for the creditors to know, how much they owed to themselves.— Having put this very strongly, Mr. Pitt denied that there was any deficiency whatever in their capital, contending on the other hand, that the Company, though distressed, were by no means insolvent, and that they ought to be allowed an opportunity of proving the whole of their statement, of their affairs at the bar of the House.— This position he argued very elaborately, and said, as it was perfectly reasonable to allow the House time to enquire into, and examine the truth of the papers then on the table, the falsehood of which ought not to be taken for granted upon the bare assertions of the Secretary of State, so introduced and made as they had been, he should hope there could be no objection to adjourning the debate for a single day, and should therefore reserve his sentiments upon the principle of the bill for the present, and move “ that the debate “ be adjourned till the next day.”

I

Mr.

Mr. Secre-  
tary Fox. Mr. Fox replied to Mr. Pitt, and stated, that he had not objected to the Company's claim of cash, including their bonds, but had only observed upon it. With regard to the secret debt of the Madras Government, he said, he had alluded to a large debt incurred, which that government had been allowed to draw bills for by the last Board of Treasury. In reply to what Mr. Pitt had said, on the subject of the Company's not being accountable for their capital, he observed, that their capital belonged to the Proprietors, and Government was as much bound to look to their security, as to that of the Public at large, in regard to revenue, duties, &c.

Lord North. Lord North directed his speech to two points, the refutation of Mr. Pitt's arguments against the bill, and against Mr. Fox's observations and objections, as urged with respect to the East-India Company's state of their affairs, and to the rescuing the bill itself from the obloquy with which it had been loaded. The Right Honourable Gentleman who spoke last, his Lordship observed, had called the bill an unprecedented attempt to establish a violation of the chartered rights of the Company, and an immediate confiscation of their property; this charge was a weighty one, but it was not true. That the bill infringed upon the charter of the East-India Company, was undoubtedly the case; but was the bill, as far as it

it was considered in that view, unprecedented? No such thing. The bill in 1773, brought in by himself, which restrained the exercise of election, and deprived the 5000 stockholders of their votes, was an infringement of the Company's charter; the bill giving Government the power of appointment to offices in India, in some instances, and the Parliament a power in others, was equally an infringement of the charter. The bill brought in last Sessions, by a learned Gentleman, who had been Chairman of the Secret Committee, proposed a regulation, clearly founded on a violation of the Company's charter; in saying this, he meant not to insinuate that there was any blame due to that learned Gentleman. The necessity of the case rendered it impossible to attempt any regulation, at all likely to prove effectual, without violating the Company's charter. He therefore, for one, made no scruple to admit, that the bills he had proposed, trespassed upon the Company's chartered rights: They certainly did so; and, if there was any guilt in having been the Minister who proposed such a measure, he desired to be ranked with the other criminals. But, while Gentlemen were prone to accuse upon this ground, let them examine the nature of the case a little, and see how a violation of the charter could be avoided. The constitution of the Company, as it stood at present,

was admitted to be absurd, and most inadequate. The Court of Directors were the nominal Ministers of the Company ; they gave orders to the Company's servants in India ; the Company's servants in India disobeyed those orders, and having an influence upon the Court of Proprietors at home, the Court of Proprietors over-ruled the Court of Directors. This was, his Lordship observed; a perfect mathematical figure, but it was very far from a perfect political one. The House had heard that the Directors wrote fine letters ; this certainly did them great credit : But, from the circumstances above-mentioned, nothing was ever done in consequence, and all the important business of the Company ended where it began, —in a fine letter. It was admitted on all hands, that something was necessary to be done ; but the Honourable Gentleman had said, the necessity was not made out, and the Company had not been proved to be bankrupts : His Hon. Colleague had not charged the Company with being bankrupts ; but he would venture to say, that had private and individual traders done as much as the Company had done, in various instances, they would have committed acts of bankruptcy. The Company owed money which they would not pay. The Company were liable to many demands, which they were unable to answer, and they avowed their distress to be such, that

that without relief from Government, they could not go on. The Right Honourable Gentleman said, the bill *confiscated* the property of the Company. If he knew the meaning of words, and he owned he was not so conversant in them as the Right Honourable Gentleman, or as he had been in the earlier periods of his life, confiscation meant the seizing upon property, with a design to appropriate it to the use of others than the right owners. Was this the case? Did the bill say a syllable about lowering the dividend, breaking in upon the exclusive trade of the Company, or taking away any one of their commercial advantages? Where was the confiscation then? That a regulation was necessary, every body allowed, and would it be contended, that the powers exercised under a constitution, proved by experience to be inadequate to the government of our territorial acquisitions, and the management of our territorial revenues in India, ought to be entrusted under a new constitution, in the same hands which had proved incapable of directing them with effect for so many years together. A new system was absolutely necessary, and necessary immediately; either that proposed in the bill ought to be adopted, or those who objected against it, ought to propose a wiser. Having thus generally spoken to the general subject of the bill, his Lordship entered upon

an examination of Mr. Pitt's remarks on Mr. Fox's observations and objections, controverting and refuting several, and clearly shewing, from the nature of each, that another day would throw no new light upon the question upon which the bill ought to rest. His Lordship explained such of the entries in the Company's state of their affairs, as had come under his cognizance while at the head of the Treasury, particularly mentioning their claim on account of the expences of the expedition to Manilla, which he said had been fully considered by the Board of Treasury, who had long since declared they had paid as much as they thought the public ought to pay on that score. The Hospital expences he stated also to stand exactly on a similar footing. He then went through the other articles, and spoke of the debts due from the Nabob Asoph ul Dowlah, and the Nabob of Arcot, pretty much at large. He shewed, that the poverty of the latter was not to be ascribed to the distress occasioned by an expensive and calamitous war, Hyder Ally having never invaded that part of the Carnatic, and the country having been solely in the possession of the British; though the face of it had, he believed, all the appearance of having been ravaged and destroyed by an enemy. His Lordship also said something about the Northern Circars, which we did not rightly understand,

After

After being very copious in reply to Mr. Pitt, after urging the necessity that some measure, with regard to India should be adopted immediately, reminding the House that his Majesty's speech from the throne, at the commencement of the last session, called upon them to turn their attention to the affairs of India as soon as they possibly could, repeating his argument, that the present bill was not oppressive, denying that it gave more influence than responsibility to the Crown or the Ministers, and shewing clearly, that the other stages of parliamentary progression through which the bill must pass, would afford so much time for investigation and discussion, that there could be no reasonable plea advanced to prove the propriety of the present motion for an adjournment, his Lordship concluded with declaring, that he should vote against the question moved by the Right Honourable Gentleman, and should be for the bill's going into a Committee.

Governor *Johnstone* replied to Lord North and Governor Johnstone. Mr. Fox. He observed, that the noble Lord's speech was full of absurdities and contradictions. He pledged himself to prove the account, on which Mr. Fox had so freely remarked, and he particularly noticed, what he termed, the art of the Right Honourable Gentleman, who, by confounding dates and places, had attempted to mislead the House. He averted, that the debt of the

the Nabob of Oude, would be paid, without the practice of any of those severities, which the Right Honourable Gentleman had so pathetically described. He appealed to General Smith, to prove the populousness and the extent of Oude; the Honourable General, he said, knew Oude and the late Vizir, from whom he had received some civilities, perfectly well. He contended, that it was not from the *ex parte* evidence of the Select Committee, or from an artful mis-statement of facts, that the Company should be punished, by the forfeiture of its charters, but by specific charges, to which specific answers might be given. He denied, that the Company were in any thing like a state of bankruptcy. They were under circumstances of temporary distress, he acknowledged, but their affairs were promising, and their credit good. The Right Honourable Secretary had said, that as they stood indebted to Government for duties, and were in need of assistance, Government was justified in seizing upon the Company's Charter, to secure the public revenue. This was a most unjust argument. The Company had sufficient credit to raise much more than they now wanted, without the aid of Government, but their hands were tied by an act of Parliament. Thus Government first created a disability, and now meant to take a most unhandsome advantage of it. In the conclusion of his speech, the Governor

vernor declared, that as a proprietor, he would resist, to the last moment, the fallacious and unjustifiable proceedings now going forward, and that he would sooner loose every shilling of stock he possessed, than consent to preserve it, by supporting a bill, which must effectually destroy the British Constitution.

The *Marquis of Graham* said, that if the present Marquis of Graham. bill passed, there would be little, or rather no occasion, for him to enter the doors of that House again; he rose, therefore, perhaps for the last time, to speak his sentiments beneath that roof. The Marquis then arraigned the Bill in terms of the greatest acrimony, and after observing upon the argument, that Ministers meant to violate the chartered rights of the Company, with a view to prop and support its credit, he said, such means of assisting the distressed, were *cruel mercies*, and more afflicting and injurious, than the distress they professed to relieve. He did Mr. Fox ample justice on the power of his oratory, and declared that whatever notions he might have conceived, whatever opinions he might have formed, upon any measure depending in Parliament, previous to his coming down to the House, while he was there, if the Right Honourable Gentleman chose to recommend the measure, he found himself amused, and pleased with his reasoning, nay almost satisfied and convinced, but when he took

time to pause, to recur to the cool and temperate opinions, he had originally formed upon the subject, his reason returned, there was an end of the delusion, and his sober judgment taught him the wide difference between powerful deception and rational conviction. The Marquis painted the junction of the two Secretaries of State as an unpardonable violation of political character, sufficient to excite and justify an eternal want of confidence. In such hands a bill like the present was, he said, most alarming, since it gave the Minister a degree of influence, new to the Constitution, and dangerous in the extreme. He plainly saw, that this influence had already produced some effect within those walls, and if the bill passed, there would not only be an end of the rights and privileges of the East India Company, but an end of all rights held on the sanction of Parliamentary faith, and an end even of the independence of Parliament itself.

General  
Smith.

General Smith replied to Governor Johnstone as soon as the Marquis of Graham sat down, and having satisfactorily explained the insinuation of the Governor, relative to his having received civilities from the Vizir of Oude, he went into a description of the finances of the Nabob Asoph ul Dowla. He also stated the accounts of the situation of our affairs at Bombay and Madras, according to the last letters he had received from India, which tended

tended to prove the necessity of an immediate regulation and reform.

Sir Richard Hill began with declaring it was a <sup>Sir Richard</sup> <sub>Hill.</sub> fixt principle in optics, that all objects struck the eye of the beholder, differently according to the medium of light through which they were viewed. This maxim was fully verified by an experiment made in April last, by only moving the Right Honourable Secretary from the side of the House on which Sir Richard stood, to the other. Placed where he now was, he viewed the bill in his hand as calculated to “remedy all those alarming disorders which have long prevailed and still continue in the management of the territorial possessions, revenues, and commerce of these kingdoms in the East Indies,” &c.

But had such a bill been brought in by Administration when the Right Honourable Gentleman sat on the other side of the House, it would have appeared to him in very different colours. He doubted not but the Right Honourable Gentleman would have viewed it again and again through two glasses which he constantly carried about with him. He meant his ~~MAGNIFYING~~ glass, and his ~~MULTIPLYING~~ glass.

In the former, his ~~multiplying~~ glass would have appeared big with the most alarming danger of increasing Crown influence, and of extending ministerial power, which things were always the

*Buggybows, and Rawhead and bloody bones,* with which the Right Honourable Secretary, used to terrify his present *cara sposa* before those two persons were joined together by holy matrimony.

But he meant not here to speak against the *condition*; or to say any thing personal, as he hoped his Majesty's present Ministers would propose such measures as he should be able to *coalesce* with.

In the latter (his *multiplying* glafs) all the evils which the bill now tended to prevent, with twenty thousand more of rapine, injustice, cruelty, violation of rights and charters, weakening of parliamentary faith, &c. would all have danced before his eyes at once.

Now, Sir Richard asked, what was the cause of that difference, since the man viewing, and the object viewed were identically the same? It was plainly owing to some strong rays of a *side light* that darted from the *East*, and perhaps a little horizontally from the *North*, upon the pupil of the Right Honourable Secretary's eye, so that without having recourse to the solutions of a Newton, a Priestley or a Franklin, they might affirm, that *was* certainly that same *North-East* light which had such a powerful effect upon the seeing (or to speak more philosophically) on the *visive* faculties of the Right Honourable Secretary. But, he said, that the Right Honourable brother

of the bill was never without either of the glasses he had mentioned, though, as he observed, things appeared very different to him, according to the medium through which he looked, and whether the particles of matter of which he was composed were placed on that side of the House or the other.

Seated on that illustrious bench, on which the sun always shone, when he viewed the bill through his *magnifying glass*, in the first place, it much aggrandized himself, and all his influence as a Minister of State, insomuch that he looked as if he really could carry the India-House on his back, as a print just published humorously represented him to be doing.

Secondly, it aggrandized the seven Commissioners, or *holy emperors*, and their eight assistant Directors.

Thirdly, it aggrandized needy adherents, and raised them from Lilliputians to *Brobdinagians* and *Patagonians*,

As to the Right Honourable Gentleman's *multiplifying* glass, as he at present held it up to look at the bill, in the first place, it greatly multiplied friends and jobbers, who would stick to him at every pinch.—*Over shoes, over boots.* Secondly, it multiplied all his various interests, all his connections, all his powers, not only at home in this country, but by sea and land, and all over the globe,

globe. But when he had said, that it multiplied all his powers, he must except his intellectual powers, and his powers of eloquence, as he really thought these could not be *magnified* or *multiplied*.

Thirdly, which was by far the best of all its multiplying powers, it multiplied the rupees and the guineas, if not to the nation, yet to the happy favorites who were to taste the sweets of the bill for *five whole years* to come.

And now leaving optics, Sir Richard Hill said, he would make an easy transition (at least he would make a transition, whether an easy one or not) from allegory to the bill itself, the particular parts and clauses of which, he should leave to be discussed by those who were much more equal to so great a work than he was.

He should therefore only observe, with regard to the principle and spirit of the bill in general, that they appeared to him so exceedingly opposite to the whole genius of the Constitution, and to these benign laws by which it was supported, that the Directors were hardly allowed the privileges which in courts of judicature were granted to felons; for in cases of felony, seizure and confiscation never took place till after conviction, whereas, in the present instance, the parties were not even accused of any specific crime.

But should the bill pass the House (the House he hoped, would pardon the supposition, it must afford

afford much satisfaction indeed to those who were nearly interested in it, especially to the body of petitioning Directors ; that they had powerful friends in the other House to plead their cause, and to support their rights : he meant the noble Protestant Duke at the head of the Treasury Board, who, when the East India Regulating Bill was brought in, just ten years ago, (which still did not go near so far as the present) testified his hearty dissent from it in the following terms :

1. " Because it was not only an high and dangerous violation of the yet unquestioned charter of the Company, but a total subversion of all the principles of the law, and constitution of this country.

2. " Because the election of executive officers in Parliament, is plainly unconstitutional, productive of intrigue and faction, and calculated for extending a corrupt influence in the Crown. It frees Ministers from responsibility, whilst it leaves them all the effect of patronage."

Thus protested the noble Duke, and, Sir Richard doubted not, but he would be as steady in his principles till death, as the much-lamented Marquis, who joined with him in the protest.

He remembered that the Right Hon. Secretary asserted, when this Bill was read the first time, that charges of peculation were withheld, because money was sent over to the Directors, which stopped their

their mouths, and prevented their complaints. He doubted not but the Right Honourable Gentleman himself *felt* what he said, when he asserted this, and that the same Right Honourable Gentleman knew full well, that money had, indeed, a wonderful power of stopping mouths, and of changing mens language, (and even their connections); yea, that it out-did what the poet said of music, that it had

— charms to soothe the savage breast,  
To soften rocks, or bend the knotted oak.

But how far it had been done in the case before them, remained yet to be proved.

Before he sat down, he must observe that it ought to have much weight, that the first commercial city in the world had expressed a disapprobation of this bill by determining in Common Council to petition the House against it. And he must add that he was happy to see so full an attendance upon a matter of such vast consequence, and that notwithstanding the Right Honourable Secretary most unhandsomely, in his opinion, refused to put off the second reading of the bill, till the day of the call; though by way of apology for that refusal, an Hon. Friend of his, and a great ornament to his profession, asked, in his maiden speech, how it was possible for the gentlemen who were to be summoned to attend the call, to make themselves masters of this important business, whilst they were said,

coming up post upon the roads? Sir Richard Hill said, he wished always to learn wisdom from the arguments of his honourable friend, as every body must who attended to him. He would beg to ask in return, what profound knowledge of this Bill were those Gentlemen likely to enter the House with, who had been roused out of their beds at one, two, or three o'clock in the morning; by the arrival of ministerial messengers, with mandates to mount then up to town with the celerity of air balloons, in order that they might be in time enough for the division that evening. What was to inform and determine the judgment of those Gentlemen on that arduous occasion? Why they were to look at the Treasury Bench, to cast their eyes round the House to see who said *aye* and who said *no*, who went out and who staid in, and upon these *merits* were to depend the annihilation of an ancient charter, the characters of many respectable individuals, and the seizure of goods and property. In short, the fate of Cæsar and of Rome.

Mr. Jenkinson stated what had been the conduct of the House when the Regulating Bill passed, Mr. Jenkinson. reminding them that the state of the Company's affairs was then referred to a Committee of Enquiry, and that he had been the Chairman of the Committee. Mr. Jenkinson, pressed for the adjournment, and reprobated the Bill.

Mr.

L

Mr. Bootle. Mr. *Bootle* declared, he wished it to be explored, whether the Court of Directors statement of the Company, or that given by the Secretary of State, was the true one, before the Bill was committed. Mr. Bootle said, he had 4000l. India Stock, but he had rather let it all go to the ground, than assent to such a Bill as that before the House, unless he was convinced that it was absolutely necessary.

Mr. Mansfield. Mr. *Mansfield*, in a very able speech, defended the Bill, rescued it from the calumny thrown upon it, and proved that it did not deserve the construction put upon it by Mr. Jenkinson.

Mr. Grenville. Mr. *Grenville*, in correct and animated language, supported Mr. Pitt's motion for adjournment, and urged with great earnestness the indecency of sending the Bill to a Committee so precipitately, when only a single day's postponement was desired.

Lord Maitland. Lord *Maitland*, in a strain of honest warmth, supported the bill, and justified it on every principle upon which it had been attacked. He declared it drew influence from its lurking place, and set it in full view of the House of Commons; so situated, his Lordship said, it was not to be feared; it was therefore puerile to pretend an alarm where there was not the least cause for any. His Lordship declared his thorough confidence in his friend Mr. Fox, and charged the opponents of the bill with having shifted their ground since the

the first day of the session, when they called out so vehemently for a system,

Mr. *Hussey* very candidly said, if the division Mr. Hussey. went upon the question of the commitment, he would divide for the commitment, because he thought that bill, or some bill, immediately necessary. He also said, if the adjournment was really desired, only to obtain more information, he would vote for it, but if it was merely for the purpose of delay, he should oppose it. Mr. Hussey stated two points in regard to Mr. Fox's observations and objections, in which he differed from that gentleman.

Mr. *Fox* explained himself upon both.

Mr. Fox.

Mr. *Erskine* began with observing, that if the Mr. Erskine House were to adjourn its deliberations till those gentlemen informed themselves, who seemed to set all information at defiance, there was an end of all prospect of decision. On the day the bill was first proposed by the Right Honourable Secretary, the Honourable Gentleman, who had moved on that day for an adjournment for further consideration, had boldly pronounced it to be infamous in principle, and ruinous in policy, and that it did not deserve one moment's reflection, desiring, however, at the same time, a week to reflect upon it. But even that contradiction, gross as it must appear, was nothing to the proposition of that day; for the Honourable Gentleman, after once

more declaiming against the bill as radically defective in all its principles, and pronouncing upon the impossibility of its being endured for a moment by the House, yet begged that it might not be trusted to its determination, and asked one day to examine into the comments made by Mr. Fox upon the Company's accounts, as being absolutely necessary to guide their determination, though, he had said, not a moment before, the Company's solvency, or insolvency, had nothing to do with the question, as no state that could be imagined would cure the objections he found, to the injustice and impolicy of the proceeding.

Would the Honourable Gentleman stand up and declare, that if he (Mr. Erskine) should throw him his pencil across the table, and say, blot out those figures that are to be found in the account, and insert any others you think fit, that there was any possible state of the Company's affairs which he could form out of figures that would bring him round to vote for the bill : Would he say so as a man of honour ? And if not, was it not a most palpable self-evident plan of procrastination, to desire time to know whether those observations on the accounts were true, which, whether true or false, he could not pretend to say would change any one of his ruling sentiments on the subject : That such conduct, however, could not but deprive them of one vote ; for that an Hon.

Gentleman

Gentleman (Mr. Hufsey) had a little before declared he should approve of the adjournment, unless he could be convinced that it was a mere scheme of delay; and that as he knew that gentleman's mind too well, not to be certain that such absurdity and contradiction would shock and disgust him, he would venture to count upon him as staying in the House on the decision, upon his promise, that his vote was to depend upon his belief of what no man of his sense could disbelieve. Mr. Erskine said, that the whole plan of moving the adjournment was first to declaim themselves against the Bill, and then to move a new question, to prevent the supporters of the Bill from defending its principle, and vindicating its necessity; that it might go forth into the world, that those who supported Ministers, had no reason but corruption to give for their conduct: thus the Bill was to be cried down within the House by unmeaning and intemperate declamation, and without it by prints and hand-bills; but he thought it a duty he owed to himself and to the public, whose voice he respected, not to be so held back from giving his reasons for thinking the Bill just in its principle, and wise in all its objects; that whatever gentlemen might think fit to admit that day, he might appeal to all who heard him, that both sides of the House had over and over again agreed, that the affairs of the East Indies had been for a long time conducted in a manner ruinous to the interests, and

and disgraceful to the character of the nation, and that all our calamities there had arisen from the defect of a due controul over the governments of India, from the want of a government here sufficiently stable and important; the East-India Company being originally erected into a corporation for the purposes of commerce, and not for political sovereignty: That this accounted for those relaxations in their orders, which had produced oppression, plunder, depopulation, and famine. That when such ruinous defects were universally felt in the system that existed at present, the House ought to listen with the greatest temper to the proposition of another; if it was defective, it might be corrected: But that in discussing the principle, it was not enough to find fault with it, without being able to substitute a better, since both sides agreed that some new system was absolutely necessary. As to the right of adopting the new system, when the necessity of abolishing the old was admitted, he went much farther than was necessary for the support of the bill, which proceeded principally upon the abuse of authority by the Court of Proprietors; whereas he always thought the very existence of such a body, for the purpose of governing so immensely important an empire, by a ballot of men and women, and foreigners, enemies to our prosperity, was impolitic and absurd.

That

That while the East-India Company continued a body merely commercial, it was very fit that they should appoint their own factors to regulate their trade, and their military officers, who protected it; but that no analogy to that state remained now, since, by the advancement of commerce, and the accession of territories vesting in the state, private trade had become inseparably connected with public credit and public government. In such a condition of things, was it fit that private subjects should rule over the territories of the state, without being under its controlling powers, and, by mismanagement, not only to risk the loss of them, but to throw the whole empire into war? If the sovereignty over the East-Indies belonged to the Crown and the nation, which no man could deny, since it was expressly excepted out of every charter and act of Parliament given to the Company, it was impossible to say that it was tyranny or injustice in Parliament, to exercise that sovereignty at the will of a strong necessity. That a charter being a grant of powers and privileges to individuals, or the benefit of the public, it was liable, in its very nature, to revocation, when its continuation became detrimental, either from misuses, or a change in circumstances, not foreseen at the time of its institution; and that those who, admitting the necessity, opposed the bill, on the foundation of

of the Company's charter being inviolable, fell into the same absurdities and contradictions that marked and distinguished their whole conduct.

The Honourable Gentleman had called for a new system; no palliatives or emollients; yet, when the new system came forth, he condemned it, because the Company's chartered rights were not to be touched: He would be glad to know how it was possible to adopt a new system, by Parliamentary authority, without striking at those charters which entitled the Company to continue the old one. Gentlemen were fond of mixing the private injustice with public impolicy, to prevent that contradiction from being felt: But he would first force them to admit the right of altering the charter, if necessity and policy justified it, and then proceed to shew, that there was in the instance this justification. They had, indeed, already admitted the right, by calling for a new system, which could not be adopted without that violation of the Company's charter which they complained of. If, on the one hand, their argument, that they were inviolable, was just, there could be no sort of alteration at all, and the new system which they called for was gone, right being equally sacred in all its degrees. If, on the other, they could be justly altered, in one degree, upon one necessity, they might in another upon another necessity; which brought the whole

to a question of policy, and put an end to the declamation concerning the infringement of the right.

The Honourable Gentleman who spoke of the novelty of this daring proceeding, had certainly never read the other acts, by which the Company's charters had been altered to a great extent. He had protested, in the name of the Company, against several of them as counsel at the bar, without any effect. The Regulating Act, in 1773, gave to Parliamentary Commissioners the whole military and civil government of India, unfortunately giving it to persons abroad, without a due controul at home, which inverted the order of government and subordination. He did not, however, blame the noble Lord, who was then Minister, for that arrangement, since the affairs of the East might not then have justified what they did now, and the minds of men might not have been prepared to support the change.

He then stated the different acts by which the dividends of the East India Company had been restrained, to shew that Parliament had even gone farther than by the present bill, as these acts affected the property of individuals, by restraining the dividends, whereas the present only put them under a public trust. This was not a bill of penalties or confiscation, but calculated to improve and secure the territorial revenues and

commerce of the East, to those who were entitled to an immediate personal benefit from them, only securing it to them in a manner more consistent with the general interests of the public.

Great clamours had been raised against the clause which authorised the new Commissioners to seize on the books, money, and boxes of the Company, which had been compared to the impudence of a robber, who should break into a man's house, and call himself his trustee ; but he had not such a despicable opinion of his audience, as to think it necessary to distinguish the unauthorized act of one individual towards another, for his own private purposes, to the superintending care of public councils, in a case where it could not be asserted that one farthing of private property was intended to be divested ; for the dividends were still to be regulated by Parliament, as they had been before, by the Acts he had alluded to. That setting aside all these abstract principles, there was good ground for the bill on the score of misuse : For that, Mr. Fox had truly said, they had abdicated the government over the East. To prove this, he stated the proceedings of the Select Committee, which sat for months examining witnesses and records, on whose report the House had resolved to recall Mr. Hastings ; the similar resolutions afterwards by the Directors

tors on the same evidence, and not on the authority of the resolution; the vote of the Proprietors defeating the operation of both, in the sudden tumult of a ballot, without looking at a record, or asking a question; and the thanks voted, without evidence, in the same tumultuous manner to Mr. Hastings, on the arrival of his letter setting the Directors at defiance. He said, that the Proprietors who voted these thanks, under all these circumstances, even if Mr. Hastings had all the merit they imputed to him, without evidence, abdicated their own government over the East-Indies, and gave up, at the same time, the sovereignty of Parliament over it, which left it no alternative between the destruction of the Proprietors authority and the surrender of its own.

He then proceeded to consider the policy of the new system. It had been said to be a bill introduced by Ministers for their own private purposes, rather than for the objects of Government.—A bold assertion, when the regulations of the other bill were attended to, which so far from leaving to Ministers, or their substitutes, the uncontrolled direction, marked out their duty in the most specific terms.

He said, he should not then discuss them, as being properer for the Committee, but that they contained upon the whole a body of reform equally important to the interest and character of the nation. That the powers were given to the Commissioners during good behaviour, subject only to the removal on the address of both Houses, to give stability to Government, the want of which had been ruinous, and which could not be obtained in any other way while the present state of parties in England continued. As to the influence of the Crown, he thought it was the duty of every Member of Parliament to attend to its advances, but that it was too much to say, that the most important trusts of Government were to be left to private men, and to women, and foreigners, for fear the Legislature should pervert the powers that ever follows government, to the ruin of the constitution. Was there to be no government, because it was subject to abuses? And were we not to choose the least of evils, because we could not attain perfection: That there was a sufficient strength in the House to punish an abuse of the powers given by the bill, and that it was dishonourable to the house to support its own honesty, because of the patronage that attended Government: That it was mighty easy to deal in general charges of corruption, but that he trusted that  
these

there was as much concern for the public on the part of government, as in those that opposed it.

Mr. Macdonald rose in answer to Mr. Erskine, and began with observing, that he should not think himself warranted, either from the lateness of the hour, or the solemnity of the ~~occasion~~, to follow that gentleman, by making his own panegyric, or that of any other person. He agreed with him, however, in referring all to the panegyric or condemnation of mankind, who would pass their sentence upon the candour and decency of Ministers, in refusing so much time for the examination of contested accounts, some of which had not even been read to the House, as would elapse till the handle of that clock returned to the figure to which it was at ~~that~~ moment pointing. He said, that the question in its present form was but a narrow one, and that he should, in conformity to regularity in debate, have confined himself strictly to it, had not some observations fallen from Mr. Erskine, which must not pass unanswered. With respect to the question of adjournment, with what justice could it be said, that those important accounts were not one of the foundation stones on which the Minister had built his plea of necessity? A gentleman particularly versed in those accounts, professed himself a friend to the commitment of this Bill, and yet differed entirely from the Secretary's defalcation, by the mode of stating

Mr. Macdonald.

flating the freight, a very extensive article one way or the other. The Secretary had scarcely finished his assertion, that the debt from the Vizir was perfectly desperate, when the General (Smith) behind him declared that he was satisfied, that debt was not paid; that the debt from Tanjore was also called a debt, to be obtained, by armaments and rapine; to which it had been answered, that it was but one year's arrear of a tribute, comparatively small, and in general regularly paid. That the whole dead stock, of the Company was struck off at one blow, and even their extensive property in London estimated by surveyors at 250,000l. was not allowed them in the account, and their own capital stock, was considered as a debt due to others. Nay, an account presented in evidence, shewing that the circumstances of the East India Company were far better now, than in the year 1773, had not even been read, although at that period the authors of this Bill thought it impolitic and unjust, to interfere merely by way of prevention. How far all those circumstances should be admitted or excluded from the statement given in, without farther evidence, without farther information, without farther consideration, he would not for one determine; but said, since that evidence and consideration was refused, the consequence must inevitably be, that he must take the account given in to

be *true*, when compelled to divide in the moment, and precluded from examining the grounds on which it had been attempted to impeach it. Could it be conceived that a delay of a *few hours* could be seriously meant as a colour for procrastination? How many would undertake to say that they could decide on a sudden, upon controversies arising in the House out of the nature and course of the East India trade: such as could not, he argued, must agree to the short adjournment; if they did not, they could only proceed in the Bill, admitting what the Company stated to be literally true. Having urged these arguments with his utmost force, he observed, that as it was plain that the time asked for would be refused, he should next advert to what he considered as the most alarming wound to the constitution of this country that ever had been given; that trap was laid for the liberties of the nation by this measure, and that it was attempted to entangle mens judgments, by hurrying them through accounts at one moment, and attacking their feelings by pathetic accounts of the misconduct of the Company's servants at another. Mr. Erskine, he served, had set out with saying, that *a system* had been called for, and was now objected to when produced; but what was that *system*? A most compendious one indeed, which must be comprised in these few words: *Give India to me for*

five years certain, and I will manage it for you. No less than three different grounds had been laid, or three different days, for this enormous design. At the opening of the session, it was grounded on a description of Mr. Hastings's conduct, which he, who had laboured hard in the service of the House, and had served his apprenticeship to that business, would undertake to shew was, in many instances, without solid foundation, and in every instance, exaggerated, although he condemned the policy in many points. This, however, was a work of great detail, and not then necessary. On a subsequent day, it was grounded on the supposed *bankruptcy* of the Company, and it was now grounded by the Honourable Gentleman on a radical defect in the system. How came that radical defect, which must ever have been operating, to have been reserved for his discovery? The truth was, that misconduct of servants, extortion, and radical defect of system, where there was some ground for them, were the hackneyed pleas for subverting the rights of men; they were the precise grounds upon which that most infamous of all instances, the *Quo Warranto*, against the City of London, hinted at by the Counsel, was grounded. The similarity of the arguments then and now used, was as striking as the resemblance of the cases themselves; and he could not help reading two or three passages of the Attorney General's

General's reply, which was the neatest epitome of the argument now used by the Minister and his friends. It was so close, that even the stale allusion of the physician and his patient was omitted, but he believed it would be for the future, after an observation made by a gentleman, whose good sense could only be exceeded by his good humour when he observed, that this Bill called in fifteen doctors to a patient requiring some assistance, who began by bleeding, vomitting, and blistering, and binding him in a strait waistcoat. Mr. Macdonald here read the passages, changing the word *City* for *Company*, which were exactly apposite, and ended with these words of the Attorney General, that *he was only gently laying his hands upon their Charter for their cure.*

He proceeded to advert to Mr. Erskine's distinction between the *right* to violate the charter, and the *policy* of doing it, and said the distinction was found, but that when he, Mr. Erskine talked of its having been maintained, that charters were *immutable*, by those who themselves had brought in a bill, stripping the proprietors of all ~~their~~ chartered rights, he ascribed to them most unmeaning stuff, which they never had the folly to assert, and was mistaken in the fact, as to the bill alluded to.

The doctrine respecting the infringement of charters was, simple and well known—either ex-

treme of the proposition was absurd, either they were to be altered, much less cancelled without ceremony, or that they were never in any possible case to be meddled with—The true line was, that state necessity would justify an alteration, provided that it were strictly commensurate to the necessity. The reason was obvious, because where two parties contracted in the ordinary way, neither of them had the power to infringe or annul it, but a third tribunal must be resorted to: whereas in a case of a contract with the public, the one party was compleatly in the power of the other. It was then the true question in the present case, whether it was necessary to cut down the charter, root and branch, or whether many amendments, far short of so desperate a violation of contract, would not be sufficient. He contended that the bill brought in last year proved that they would, and avowed himself to have had a great hand in the formation of that bill, and would refer to it to prove that the interference of the stockholders, was infringed in *the single instance* of having no share in chusing the superior servants in India. He proceeded to observe on that bill at some length, in order to shew that none other than negative or *preventive* powers, such as those of recalling the servants in India, or disapproving the choice of the Directors, were given to the Ministers, and that to consolidate the governing power there,

there, and *regulate* it here, together with an anxious attention to the rights of the natives, were the leading objects of it. But, said he, advert to the political consequences of the present bill. Influence arising from a patronage of near two millions a year is to be thrown into the hands of a particular party, which means a *particular Minister*, for a lease of five years. Mr. Erskine, he observed, had accused those who viewed this in two different lights, of inconsistency. Some supposing it to be adverse to the power of the Crown, others the direct reverse. But the confusion was of his own creating; for when coupled with the legitimate influence of the Crown, it was plain it must add to it tenfold; but if this *bastard* influence should be contrasted by those subjects to whom it was to be leased; with the legitimate influence of the Crown, a conflict would ensue, which might crush this constitution in the shock. He reminded Gentlemen of the disgust with which he had repeatedly heard, that the *bankrupt Nabob of Arcot*, as he had been styled in the debate, had thrust five or six members into that House. What then was to be expected from the sovereign of Bengal, Bahar, and Orixa, of our Circars, and other possessions in the Carnatic, or on the coast of Malabar; from the universal and exclusive merchant to India and China, and the Commissioners of a vast standing army, and great trading fleet! Gentlemen

lemen must think that the ancient constitution of mutual services and kindnesses, which have long bound them and their counties and boroughs together, would soon be broken through by a candidate furnished with a *ticket* from an Indian Commissioner, who might promise every thing, and readily perform a great deal. That he never should give his consent to a measure which must have this effect; and which left it uncertain where the *reversion* of this irresistible power was to fall; that he should on every occasion, and in every stage of it, *manibus pedibusque*, oppose a Bill, which left the *Crown* indeed where it was, but placed the *sceptre* in another hand. Mr. Macdonald concluded with a handsome apology to the House for their indulgence and attention.

*Mr. Dempster* said, this was one of the greatest and most important questions that ever came before the House. He hoped, therefore, it would be deliberately discussed and wisely decided. With regard to the violation of charters, he declared, he thought all chartered rights should be held inviolable, the rights derived from one charter only excepted. He said he meant the charter of the East India Company. That was the single charter that ought in his mind to be destroyed for the sake of this country, for the sake of India, and for the sake of humanity. He complimented Lord John Cavendish on his wish declared in the House

House more than once, that every European was driven out of India, and that we only enjoyed the commerce of that part of Asia, in like manner as we enjoyed that of China. He lamented that the navigation to India had ever been discovered, and conjured Ministers to abandon all idea of sovereignty in that quarter of the globe. It would, he said, be much wiser for them to make some one of the native Princes king of the country, and to leave India to itself. After cautioning the House against running down the Court of Proprietors, Mr. Dempster said, he saw which way the House was inclined, and therefore he should withdraw, as he would not vote against his principles for the throne of Delhi.

Mr. Thornton made a short speech against the <sup>Mr. Thom-  
ton.</sup> Bill, and in support of the motion of adjournment.

Sir Henry Fletcher declared, he entirely agreed <sup>Sir Henry  
Fletcher.</sup> with the Honourable Gentleman that spoke last but one (Mr. Dempster) that it was ~~one~~ of the greatest questions that ever came before that House. But let them view it so far as it respected India, there they would find that Providence had placed under the British government upwards of twenty millions of people, who had a right to be well governed, and agreeable to their own laws and customs; he also agreed with the Honourable Gentleman, that it would have been much better

better for this country, and for Europe in general, if the navigation to the East Indies had never been discovered, but they must now consider their present situation there and at home ; and he could not agree with the Honourable Gentleman, that it would be right to give up their possessions there, for were they to evacuate them, some other European nation would seize them, most probably France, and then this nation, once so glorious, having lost her western and eastern empires, would become insignificant in the eyes of Europe and the world. Seeing the question in this great national point of view, he the day before had resigned the high situation, which he held at another place, that his mind might be free and open to judge of a question of such great importance.

Sir Henry said, he would now take a very short view of the present state of our affairs in India ; our last advices said, that the Mahrattah peace was concluded ; he wished that might be safe ; there were some suspicious circumstances attending it, and one open breach of it, by the capture of one of our ships, some months after the ratification ; but, however, our orders were given for the restoration of all our conquests to the Marattahs, and a new treaty was negotiating, and far advanced with Mad. Sindie for a partition of the dominions of Tippoo Saib, the successor of Hyder Ally, should he not accept the terms stipulated for him.

in

in the Mahratta treaty. Tippoo Saib, so far from claiming any benefit from that treaty, marched his army rapidly to his northern provinces, which were invaded by our army under General Matthews ; he found the province of Bednour taken, and our army dispersed all over it, which, with their General, surrendered to him ; and all the province, except Mangalore and one small place, with their garrisons, by last advices, were in his hands. Mangalore was besieged, and we were sending reinforcements to their assistance. We had also invaded his southern provinces with another army by the way of Tanjour. The peace of Europe was known in India ; we had now a large force to spare on the Coromandel coast, and should the partition treaty go on, it was impossible for any one to say where this war might end. The Nizam and the Rajah of Berar were well known to be much disgusted at the Mahratta treaty made by Sindie, and should they join their forces to Tippoo Saib, the war might be long and ruinous. Such was, Sir Henry declared, the present state of the war in India, and it was well known, the disagreements that subsisted between all our own governments, which had been carried to alarming lengths. For all these reasons, respecting India, he thought it absolutely necessary that something should be done immediately, to form a regular and permanent government for that country.

He

He would now take a short view of the question at home. The Secret Committee of that House, after sitting above a year, enquiring into the causes of the war in India, came to many resolutions, which the House adopted in May, 1782, one of which was, that the East-India Directors ought to remove the Governors of Bengal and Bombay.— The Court of Directors, in consequence, began an enquiry into their conduct. The General Court of Proprietors met soon after, and came to a resolution, that the Court of Directors should not carry into effect any resolution they might come to, respecting those gentlemen, without first reporting to them—in October following, the Court came to resolutions, and laid them before the Court of Proprietors, agreeable to their order. The Court of Proprietors disapproved of them, and ordered the Court of Directors to rescind them, and transmit the whole proceedings to India.

The Court of Directors complied, and agreeable to act of Parliament, transmitted their letter to his Majesty's Secretary of State for his approval. The Secretary disapproved the letter, forbidding it going to India, and laid the whole before Parliament, by order of his Majesty, at the beginning of last session. The general peace of Europe at that time engaging the whole of the attention of Parliament, India affairs were neglected, till the pressing necessities of the Company compelled them

them to apply to Parliament for pecuniary relief. Parliament still wishing to go into the India business, that session granted the Company then only a temporary relief of 500,000<sup>l</sup>. on their own bonds; this he thought was in the month of April.— Public business still engaging the attention of Parliament, and India business not coming on, and the necessities of the Company being still pressing, they urged the House for further assistance; and the consideration of that day was, that the India business was of such a magnitude, that if entered into at that late season, it might keep the House sitting a great part of the Summer, and perhaps have a very small attendance. The House again agreed to give the Company a further temporary assistance of about 1,200,000<sup>l</sup>. by postponement of Custom and Exchequer bills, which passed into an act the beginning of July, and which Sir Henry said, he thought expired forty days after the meeting of the present sessions of Parliament. Thus it was, that the question of the India business forced itself upon the House through necessity, and the House in its wisdom was bound to fix some permanent regulation at home and abroad.

It had been said, that the bill gave no pecuniary relief to the Company; it was true it did not, it was a bill of regulation, but it would be ~~an act of~~ <sup>an act to</sup> make regulations for the ~~Company~~ <sup>Company</sup>,

Company, and withhold the relief necessary to carry the regulation into effect; he therefore could not doubt but Administration intended a full relief to the Company, and he was clear that the Proprietors had an undoubted right to an eight per cent. dividend. This was his opinion, and he thought he was well founded in it, when he knew that the public had received about 2,500,000L. since we got possession of the territorial acquisitions, and the Company, on an average, had had a smaller dividend since than before the acquisitions. Sir Henry therefore thought they had a right to an eight per cent. dividend, even if the difference between six and eight per cent. were to be paid by Government itself.

Much had been said about the patronage of the Company, and the influence it might give to his Majesty's Ministers. He had been in the highest situations of the Company in three administrations, and he did declare to that House, that he had never found in any of those administrations any attempts to take the patronage out of its usual course. There was, Sir Henry said, a known and allowed patronage, given by the Directors to his Majesty's Ministers for their assistance in India affairs, and he never knew them attempt to go beyond it.

Upon the whole, knowing, as he did know, the pressing necessities of the Company, at home and abroad,

abroad, and the want of regulation, he said, he must be for the commitment of the bill.

The Hon. Mr. *Fraser* said, he found himself <sup>Mr. Fraser</sup> called upon to give his vote, and if he gave a silent one, he might be liable to misconstruction: he therefore begged the indulgence of the House to hear his reasons for the vote he should give, in one single observation; that since it was exploded universally, as absurd, in all modern governments, to have a dominion within another, over which the parent state had no controul, and as the mighty empire of India was of that nature, fraught with fatal powers to do injuries abroad, and mischiefs at home, it was high time to regulate those powers, so as that one government might direct and rule the whole; he should therefore vote for the bill's going into the Committee, not that he knew it was the best possible, but that he felt the object he had mentioned must be obtained; reserving to himself the power, when it was committed, to object to any part of it, which he could not in his conscience approve.

Mr. *Samuel Smith*, jun. said, that the situation, <sup>Mr. Samuel Smith.</sup> in which he stood as a Director of the East India Company, called upon him to defend those accounts, which, through the mis-statement of the Right Hon. Secretary, tended to mislead the judgment of that House: and that he would hazard his reputation to prove the authenticity of

those accounts by evidence at the Bar. He was proceeding to state a detail of the accounts, when the clamour was so loud for the question, that it was impossible for him to be heard ; but when they were again called to order, he said, that he did not wonder that those, who were willing to believe the statement of the Right Hon. Secretary to be true, should be desirous that no other information should be offered to those, who came there to give an impartial decision upon the merits or injustice of the bill. Nay, he did not wonder, that they appeared so anxious to dissolve that assembly without obtaining a true knowledge of the Company's affairs, as he discovered by their conduct, through the whole of that business, such an indecent eagerness to divide the spoils. But being again interrupted, by the clamour for the question, he with some warmth observed, that though he had not the abilities of a Cataline to attract the attention of the House, he trusted he had the spirit, the virtue, the common sense and sober reason of a citizen of Rome. And that as long as they were permitted to deliberate in that House, he would speak his sentiments with freedom ; but if that bill should pass into a law, he should not be surprized to see an armed force behind the Chair, to overawe its deliberations : and that in such a case he should come prepared, and he trusted every other person would, who coincided.

incided with him in opinion, with that which one would be necessary, and which was the requisite of a Polish Diet—Courage. But as the tension of the House had been so much exhausted by the length of the debate, he would deliver his opinion in confutation of the Right Honourable Secretary's assertion in the other stages of the bill; but must say it was somewhat extraordinary that they objected to the question of adjournment for a short time, and yet at the same time would not permit any Gentleman to correct statements.

Mr. Smith was proceeding through a detail of figures, but the House being extremely fatigued, and the clock shewing it was half past four in the morning, the cry of the *question* was so loud, that Mr. Smith, after in vain complaining of the injustice of the House's refusing to hear him defend himself, and the rest of the Directors, desisted, and said, he would take a more favourable opportunity of offering what he meant to have said, to their consideration.

Mr. Alderman Townshend rose with some warmth Mr. Alderman Townshend.  
to reprobate such conduct in the House, which he said was both unseemly and unjust. That having heard the Secretary of State attack the Court of Directors, and charge them with gross fallacy, it became their indispensable duty to hear an Honourable Member, who was one of the Directors, make his defence.

Mr.

Mr. Smith. Mr. Smith thanked the Alderman for his interposition; but finding that the House wished to rise, he said, he would postpone what he had to say, till the next time the bill came under consideration.

The House then divided on the question of Adjournment,

Noes,	—	—	229
Ayes,	—	—	120
		—	

Majority *against* the Adjournment 109

The following is a correct list of the division on the motion of the adjournment :

*An AUTHENTIC LIST of the MEMBERS  
who divided AGAINST the EAST INDIA  
BILL.*

On the FIRST DIVISION.

Arden, Pepper,	Newton, Hants
Arckedeckne, Chaloner,	Wallingford
Aubrey, John,	Wallingford
Apsley, Lord,	Cirencester
Baring, John,	Exeter
Bankes, Henry,	Corff Castle
Boyd, John,	Wareham
Bulkeley, Lord,	Anglesea
Beaufoy, Henry,	Minehead
Brudenell, Geo. Brid.	Rutlandshire
Burton, Francis,	Heytesbury
Barne, Barne,	Dunwich
Brett, Charles,	Dartmouth
Bond, John,	Corff Castle
Boone, Charles,	Ashburton
Bouverie, Hon. W. H.	New Sarum
Bootle, Rich. Wilbr.	Chester
Barrington, John,	Newton, Hants
Clayton, William,	Marlow
Cocks, T. Somers,	Westlooe
Dawes, John,	Tregony
Dimsdale, Baron,	Hertford
Drake, William,	Agmondesham
Drake, Will. junior,	Ditto
Duncombe, Henry,	Yorkshire
Dalrymple, Hugh,	Haddingtonshire
Dundas, Henry,	Edinburghshire
Estwick, Samuel,	Westbury

Ferguson,

Ferguson, Sir Adam	Airshire
Fleming, Sir Mich. Le,	Westmorland
Gascoyne, Bamber,	Truro
Gascoyne, Bamb. jun.	Liverpool
Garforth, John Baynes,	Cockermouth
Grosvenor, Thomas,	Chester
Gipps, George,	Canterbury
Gilbert, Thomas,	Litchfield
Gardiner, Sir J. Wh.	Westbury
Grenville, Hon. W. W.	Buckingham
Graham, Lord,	Richmond
Grenville, James,	Buckingham
Galway, Lord,	York
Hyde, Lord,	Helstone
Hopkins, Richard,	Thetford
Herbert, Henry Arth:	East Grinstead
Harley, Rt. Hon. Tho.	Herefordshire
Hill, Sir Richard,	Shropshire
Hill, Noel,	Ditto
Honywood, Filmer,	Kent
Howard, Sir George,	Stamford
Jackson, Richard,	New Romney
Jenkinson, Rt. Hon. C.	Saltash
Jervis, Sir John,	Launceston
Johnson, George,	Lestwithiel
Kemp, Thomas,	Lewes
Knightley, Lucy,	Northamptonshire
Kenyon, Lloyd,	Hindon
Lowther, Sir James,	Cumberland
Lowther, James,	Westmorland
Lowther, William,	Carlisle
Lowther, John,	Cockermouth
Lenox, Lord George,	Sussex
Leighton, Sir Charlton,	Shrewsbury
Lewes, Sir Watkin,	London

Muncaster,

## HOUSE OF COMMONS,

Monday, December 1, 1783.

THE House having met pursuant to their adjournment on Thursday last, about four o'clock, Mr. Secretary Fox moved the order of the day, <sup>Mr. Fox.</sup> or resolving itself into a Committee on the Bill or "*vesting the affairs of the East India Company in the Hands of certain Commissioners, for the benefit of the Proprietors and the Public;*" and the order of the day being accordingly read, Mr. Fox moved, "That the Speaker do leave the chair."

Mr. Powys then rose, and began a very able <sup>Mr. Powys.</sup> speech, with apologizing for venturing to say anything upon a bill of so much importance, after those who had opposed it hitherto, had been accused of ill motives for their conduct. He observed, that the Right Hon. Gentleman, on the day that he had so very ably opened the bill to the House, had laid in his claim to have it considered, not as a personal question, but as a question of general policy and expediency, he should consider it therefore as no personal question, but should enter upon the discussion of its principle, which

which he took to be the proper business of that day. He went on to say, that he had read the reports of the two Committees, that had been appointed by that House to investigate the state of affairs in India, and had not only received a great deal of satisfaction from the very able and ingenious style in which the reports were drawn, but from the sound policy and humanity of the reasonings they contained. The reports also afforded, he was free to acknowledge, a considerable share of solid information. He had read them with attention, and was convinced, from having so carefully perused them, that some reform with regard to India, was actually necessary, but he did not recollect that a single syllable in the reports pointed to such a measure of reform as the bill brought in by the Right Honourable Gentleman ; a bill, that in the most cruel and wanton manner proceeded to a violation of the rights of the East India Company, sanctioned by charters, and recognized by repeated acts of Parliament, and to a direct seizure of their property, involving at the same time an alarming attack on the independence of that House, and upon the very existence of the constitution. The Right Honourable Gentleman who brought in the bill, had defended it on the plea of necessity. Could any necessity warrant such a bill, or had the necessity for any bill been proved ? On what had the Right Honourable

Muncaster, Lord,	Milbourn Port
Mawbey, Sir Joseph,	Surry
Medley, George,	East Grinstead
M'Pherson, James,	Camelford
Martin, James,	Tewkesbury
M'Donald, Arch.	Newcastle under Line
Marsham, Hon. Charles,	Kent
Mackreth, Robert,	Cattle Rising
Mahon, Lord,	Chipping Wycombe
Neville, Rich. Aldw.	Reading
Norton, Hon. Edward,	Haslemere
Ord, Thomas,	Aylesbury
Phipps, James,	Peterborough
Pratt, Hon. John Jeff.	Bath
Perceval, Hon. C. G.	Launceston
Peirce, Henry,	Northallerton
Pulteney, William,	Shrewsbury
Powys, Thomas,	Northamptonshire
Pennyman, Sir James,	Beverley
Praed, William,	St. Ives
Phillipson, Richard,	Eye
Pitt, Thomas,	Old Sarum
Powney, Pen. Portlock,	Windsor
Palk, Sir Robert,	Ashburton
Pitt, William,	Appleby
Pochin, William,	Leicestershire
Robinson, Hon. Fred.	Ripon
Rolle, John,	Devonshire
Rou, Sir John,	Suffolk
Robinson, Charles,	Canterbury
Scott, John,	Weobly
Sykes, Sir Francis,	Shaftesbury
Sutton, John,	Newark
Steele, Thomas,	Chichester
Symons, Sir Richard,	Hereford
	Sutton,

Sutton, George,	Grantham
Smith, Abel,	St. Ives
Smyth, Sir Robert,	Colchester
Selwyn, Geo. Aug.	Luggershall
Smith, Samuel, jun,	Ilchester
Selwyn, William,	Whitchurch
Scott, Thomas,	Bridport
Smith, Robert,	Nottingham
Shuckburgh, Sir G. A. W. Warwickshire	
Tudway, Clement,	Wells
Townsend, James,	Calne
Thornton, Henry,	Southwark
Tempest, John,	Durham City
Thistlethwayte, Robert,	Hants
Townson, John,	Milbourn Port
Wilberforce, William,	Kingston upon Hull
Wake, Sir William,	Bedford
Wraxall, Nath. Will.	Hindon
Whitbread, Samuel,	Bedford
Wilkes, John,	Middlesex
Wray, Sir Cecil,	Westminster
Yorke, Philip	Cambridgeshire
Elliot, Ed. J. } Tellers	St. Germain's
Yonge, Sir G. }	Honiton

Total—Against the Bill 120.

[ 207 ]

The following GENTLEMEN voted against the  
BILL:

On the SECOND DIVISION.

Stewart, Hon. Keith,	Wigtownshire
Hammet, Benjamin,	Taunton
Lawley, Sir Robert,	Warwickshire
Stanhope, W. Spencer,	Haslemere
Adeane, James Wor.	Cambridge
Fuller, John,	Southampton

On the THIRD DIVISION.

Mulgrave, Lord,	Huntingdon
Phipps, Hon. C.	Scarborough
Cotton, Sir R.	Cheshire
Ackland, John,	Bridgewater
Sloper, Will. Charles,	St. Albans
Flood, Henry,	Winchester
Hamilton, James,	Eastlooe
Sinclair, John,	Bute, &c.
Pringle, John,	Selkirkshire
Johnson, Peter,	Kirkcudbright
Sawbridge, John,	London
Curtis, John,	Wells

\* \* \* As

\* As it was found impracticable to procure a List of those Members who voted FOR the East India Bill, in sufficient Time to form a Part of the present Publication, the Reader is hereby informed, that such a List, together with the Names of the Absentees, are now preparing, and will be subjoined to The Complete Account of the Debate on the India Bill, in the House of Peers; a Work which will be published by Authority, and consequently with that Degree of Accuracy which the interesting Nature of the Subject requires.

What is the end of all government? Certainly the happiness of the governed.—Others may hold other opinions, but this is mine, and I proclaim it. What are we to think of a government, whose good fortune is supposed to spring from the calamities of its subjects, whose aggrandisement grows out of the miseries of mankind?—This is the kind of government exercised under the East-India Company upon the natives of Indostan, and the subversion of that infamous government is the main object of the bill in question.

But in the progress of accomplishing this end, it is objected, that the charter of the Company should not be violated; and upon this point, Sir, I shall deliver my opinion without disguise. A charter is a trust to one or more persons for some given benefit. If this trust be abused, if the benefit be not obtained, and that its failure arises from palpable guilt, or (what in this case is full as bad) from palpable ignorance or mismanagement, will any man gravely say, that trust should not be resumed, and delivered to other hands, more especially in the case of the East-India Company, whose manner of executing this trust, whose laxity and langour produced, and tend to produce, consequences diametrically opposite to the ends of confiding that trust, and of the institution for which it was granted?—I beg of you

men to be aware of the lengths to which their arguments upon the intangibility of this charter may be carried. Every syllable virtually impeaches the establishment by which we sit in this House, in the enjoyment of this freedom, and of every other blessing of our government. These kind of arguments are batteries against the main pillar of the British Constitution. Some men are consistent with their own private opinions, and discover the inheritance of family maxims, when they question the principles of the Revolution; but I have no scruple in subscribing to the articles of that creed which produced it. Sovereigns are sacred, and reverence is due to every King:— yet with all my attachments to the person of a first magistrate, had I lived in the reign of James the Second, I should most certainly have contributed my little aids, and borne part in those illustrious struggles which vindicated an empire from hereditary servitude, and recorded this valuable doctrine, *that trust abused was revocable*.

No man will tell me, that a trust to a company of merchants, stands upon the solemn and sanctified ground by which a trust is committed to a Monarch; and I am at a loss to reconcile the conduct of men who approve that resumption of violated trust, which rescued and re-established our unparalleled and admirable constitution with a thousand valuable improvements and advantage

at the Revolution, and who at this moment rise up the champions of the East-India Company's charter, although the incapacity and incompetence of that Company to a due and adequate discharge of the trust deposited in them by that charter, are themes of ridicule and contempt to all the world ; and although in consequence of their mismanagement, connivance, and imbecility, combined with the wickedness of their servants, the very name of an Englishman, is detested, even to a proverb, through all Asia ; and the national character is become degraded and dishonoured. To rescue that name from odium, and redeem this character from disgrace, are some of the objects of the present bill ; and gentlemen should, indeed, gravely weigh their opposition to a measure which, with a thousand other points not less valuable, aims at the attainment of these objects.

Having said so much upon the general matter of this bill, I must beg leave to make a few observations upon the remarks of particular gentlemen. And first of the learned gentleman over against me (Mr. Dundas). The learned gentleman has made a long, and, as he always does, an able speech ; yet, translated into plain English, and disrobed of the dexterous ambiguity in which it has been enveloped, what does it amount to ?— To an establishment of the principles upon which this bill is founded, and, an indirect confession of

its necessity. He allows the fragility of charters when absolute occasion requires it, and admits that the Charter of the Company should not prevent the adoption of a proper plan for the future government of India, if a proper plan can be achieved upon no other terms. The first of these admissions seems agreeable to the civil maxims of the learned Gentleman's life, so far as a maxim can be traced in a political character, so various and flexible — And to deny the second of these concessions was impossible, even for the learned Gentleman, with a staring reason \* upon your table to confront him if he attempted it. The learned Gentleman's Bill, and the Bill before you, are grounded upon the same bottom, of abuse of trust, mal-administration, debility and incapacity in the Company and their servants; but the difference in the remedy is this—the learned Gentleman's bill opens a door to an influence a hundred times more dangerous than any that can be imputed to this bill, and deposits in one man an arbitrary power over millions, not in England, where the evil of his corrupt Ministry could not be felt, but in the East Indies, the scene of every mischief, fraud, and violence. The learned Gentleman's bill afforded the most extensive latitude for malversation—the bill before you guards against it with

\* Mr. Dundas's Bill, brought in last year.

with all imaginable precaution. Every line in both the Bills which I have had the honour to introduce, presumes the possibility of bad administration, for every word breathes suspicion. This bill supposes that men are but men ; it confides in no integrity, it trusts no character ; it inculcates the wisdom of a jealousy of power, and annexes responsibility not only to every *action*, but even to the *inaction* of those who are to dispense it. The necessity of these provisions must be evident, when it is known that the different misfortunes of the Company resulted not more from what the servants *did*, than from what the masters *did not*.

To the probable effects of the learned Gentleman's bill and this, I beg to call the attention of the House. Allowing, for argument's sake, to the Governor General of India, under the first-named bill, the most unlimited and superior abilities, with soundness of heart and integrity the most unquestionable ; what good consequences could be reasonably expected from his extraordinary, extravagant, and unconstitutional power, under the tenure by which he held it ? Were his projects the most enlarged, his systems the most wise and excellent which human skill could devise ; what fair hope could be entertained of their eventual success, when perhaps before he could enter upon the execution of any measure, he may be recalled

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in consequence of one of those changes in the administrations of this country, which have been so frequent for a few years, and which some good men wish to see every year. Exactly the same reasons which banish all rational hope of benefit from an Indian administration under the bill of the learned Gentleman, justify the duration of the proposed commission. If the dispensers of the plan of governing India, (a place from which the answer of a letter cannot be expected in less than twelve months) have not greater stability in their situations, than a British Ministry—adieu to all hopes of rendering our Eastern territories of any real advantage to this country; adieu to every expectation of purging or purifying the Indian system, of reform, of improvement, of reviving confidence, of regulating the trade upon its proper principles, of restoring tranquility, of re-establishing the natives in comfort, and of securing the perpetuity of these blessings, by the cordial reconciliation of the Indians with their former tyrants, upon fixed terms of amity, friendship, and fellowship. I will leave the House and the kingdom, to judge which is best calculated to accomplish those salutary ends; the Bill of the learned Gentleman, which leaves all to the *discretion* of one man, or the bill before you, which depends upon the *duty* of several men, who are in a state of daily account to

this

this House, of hourly account to the Ministers of the Crown; of occasional account to the Proprietors of East India Stock, and who are allowed sufficient time to practise their plans, unaffected by every political fluctuation.

But the learned Gentleman wishes the appointment of an Indian Secretary of State in preference to these Commissioners; his partiality for such an institution I cannot guess; but that scheme strikes me as liable to a thousand times more objections than the plan in agitation. — Nay, the learned gentleman had rather, it seems, the affairs of India were blended with the business of the office which I have the honour to hold. His good disposition towards me upon all occasions cannot be doubted, and his sincerity in this opinion is unquestionable. I beg the House to attend to the reason which the learned Gentleman gives for this preference, and to see the plights to which men, even of his understanding are reduced, who *must* oppose. He laughs at the responsibility of the Commissioners to this House, who in his judgment will find means of soothing, and softening, and meliorating the Members, into an oblivion of their mal-administration. What opinion has the learned Gentleman of a Secretary of State? Does he think *him* so inert, so inactive, so incapable a creature, that with all his vaunted patronage of the seven in his own hands, the same means

of

of soothing, and softening, and meliorating, are thrown away upon him. The learned Gentleman has been for some years conversant with Ministers, but his experience has taught him, it seems, to consider Secretaries not only as untainted and immaculate, but innocent, harmless, and incapable. In his time Secretaries were all purity —with every power of corruption in their hands, but so inflexibly attached to rigid rectitude, that no temptation could seduce them to use that power for the purpose of corrupting, or, to use his own words, for soothing, or softening, or meliorating. The learned Gentleman has formed his opinion of the simplicity and inaction of Secretaries, from that golden age of political probity, when his own friends were in power, and when himself was every thing but a minister. This erroneous humanity of opinion arises in the learned Gentleman's unsuspecting, unfulfilled nature, as well as in a commerce with only the best and purest ministers of this country, which has given him so favourable an impression of a Secretary of State, that he thinks this patronage, so dangerous in the hands of seven Commissioners, perfectly safe in *his* hands. I leave to the learned Gentleman that pleasure which his mind must feel under the conviction with which he certainly gives his opinion; but I submit to every man who hears me, what would be the probable *complaints* of the other side of the House, had I proposed

proposed either the erection of an Indian Secretary, or the annexation of the India business to the office which I hold.

In the assemblage of the learned Gentleman's objections, there is one still more curious than those I have mentioned: He dislikes this bill because it establishes an *imperium in imperio*. In the course of opposition to this measure, we have been familiarized to hear certain sentiments and particular words in this House — but directed, in reality, to other places. Taking it therefore for granted, that the learned gentleman has not so despicable an idea of the good sense of the members, as to expect any more attention within these walls to such a dogma, than has been shewn to the favourite phrase of his honourable friend near him, (Mr. W. Pitt) who calls a Bill which backs this sinking Company, with the credit of the state, a *confiscation* of their *property*, I would wish to ask the learned Gentleman, if he really holds the understanding, even of the multitude, in such contempt as to imagine this species of argument can have the very slightest effect? The multitude know the fallacy of it as well as the learned Gentleman himself. They know that a dissolution of the East India Company has been wished for scores of years, by many good people in this country, for the very reason that it was an *imperium in imperio*. Yet the learned Gentleman, with infinite gravity

of face, tells you he dislikes this bill because it establishes this novel and odious principle. Even a glance of this bill, compared with the present constitution of the Company, manifests the futility of this objection, and proves that the company is, in its present form, a thousand times more an *imperium in imperio* than the proposed Commissioners. The worst species of government is that which can run counter to all the ends of its institution with impunity. Such exactly was the East-India Company. No man can say, that the Directors and Proprietors have not, in a thousand instances, merited severe infliction; yet who did ever think of a legal punishment for either body? Now the great feature of this bill is to render the Commissioners amenable, and to punish them upon delinquency.

The learned Gentleman prides himself that his bill did not meddle with the commerce of the Company; and another Gentleman, after acknowledging the folly of leaving the government in the hands of the Company, proposes to separate the commerce entirely from the dominion, and leave the former safe and untouched to the Company itself.—I beg leave to appeal to every gentleman conversant in the Company's affairs, whether this measure is, in the nature of things, practicable at this moment. That the separation of the commerce from the government of the East may be ultimately

ultimately brought about I doubt not; but when gentlemen reflect upon the immediate state of the Company's affairs, when they reflect that their government was carried on for the sake of their commerce, that both have been blended together for such a series of years; when they review the peculiar, perplexed, and involved state of the eastern territories, their dissimilitude to every system in this part of the globe, and consider the deep and laborious deliberation with which every step for the establishment of a salutary plan of government, in the room of the present odious one, must be taken—the utter impossibility of instantly detaching the governing power from interference with the commercial body, will be clear and indubitable:

A gentleman has asked, why not choose the Commissioners out of the body of Directors; and why not leave the choice of the assistant Directors in the Court of Proprietors? That is to say, why not do that which would infallibly undo all you are aiming at?—I mean no general disparagement when I say that the body of the Directors have given memorable proofs that they are not the sort of people, to whom any man can look for the success or salvation of India. Amongst them there are without doubt, some individuals respectable both for their knowledge and integrity; but I put it to the candour of gentlemen, whether they are

the species of men whose wisdom, energy, and diligence, would give any promise of emancipating the East-India concerns from their present difficulties and disgraces. Indeed both questions may be answered in two words. Why not choose the Directors—*who have ruined the Company?* Why not leave the power of election in the Proprietors—*who have thwarted every good attempted by the Directors?*

The last point adverted to by the learned gentleman relates to *influence*, and upon his remarks, combined with what fell from some others upon the same subject, I beg leave to make a few observations. Much of my life has been employed to diminish the inordinate influence of the Crown. In common with others, I succeeded, and I glory in it. To support that kind of influence which I formerly subverted, is a deed of which I shall never deserve to be accused. The affirmation with which I first introduced this plan, I now repeat—I re-assert that this bill as little augments the influence of the crown, as any measure which can be devised for the government of India, that presents the slightest promise of solid success, and that it tends to increase it in a far less degree than the bill proposed by the learned gentleman. The very genius of influence consists in hope or fear—fear of losing what we have, or hope of gaining more. Make these Commissioners removable at will,

will, and you set all the little passions of human nature afloat. If benefit can be derived from the bill, you had better burn it, than make the duration short of the time necessary to accomplish the plans it is destined for. *That* consideration pointed out the expediency of a fixed period; and in that respect it accords with the principle of the learned gentleman's bill, with this superior advantage; that instead of leaving the Commissioners liable to all the influence which springs from the appointment of a Governor General, removable at *pleasure*, this bill invests them with the power, for the time specified, upon the same tenure that British Judges hold their station—removable upon delinquency, punishable upon guilt—but fearless of power if they discharge their trust, liable to no sedulement, and with full time and authority to execute their functions, for the common good of the country, and for their own glory. I beg of the House to attend to this difference, and then judge upon the point of increasing the influence of the Crown, contrasted with the learned gentleman's bill.

The slate of accusations against me upon this subject of *influence*, is truly curious.—The learned gentleman, (Mr. Dundas) in strains of emphasis, declares that this bill diminishes the influence of the crown beyond all former attempts, and calls upon those who formerly voted

voted with him in support of that influence, against our efforts to reduce it, and who now sit near me, to join him now in opposing my attempts to diminish their darling influence. He tells them I out *Herod Herod*, that I am out-doing all my former out-doings, and proclaims me as the merciless and insatiate enemy of the influence of the Crown.

Down fits the learned gentleman, and up starts an honourable gentleman, with a charge against me, upon the same subject, of a nature the direct reverse. I have fought under your banner, cries the honourable gentleman (Mr. Martin) against that fell giant, the influence of the Crown; I have bled in that battle which you commanded, and have a claim upon the rights of soldiership. You have conquered through us; and now that victory is in your arms, you turn traitor to our cause, and carry over your powers to the enemy. The fiercest of your former combatants in the cause of influence, falls far short of you at this moment; your attempts in re-erecting this monster, exceed all the exertions of your former foes. This night you will make the influence of the Crown a Colossus, that shall bestride the land, and crush every impediment. I impeach you for treachery to your ancient principles—come, come, and divide with us!

This Honourable Gentleman, after a peg or two at the Coalition, declines into silence ; and whilst the House is perplexing itself to reconcile these wide differences, the Right Honourable Gentleman over the way (Mr. W. Pitt) confounds all past contradictions, by combining, in his own person, these extravagant extremes. He acknowledges that he has digested a paradox ; and a paradox well he might call it, for never did a grosser one puzzle the intellects of a public assembly. By a miraculous kind of discernment he has found out, that the bill both *increases* and *diminishes* the influence of the Crown.

The bill diminishes the influence of the Crown, says one—you are wrong, says a second, it increases it. You are both right, says a third, for it both increases and diminishes the influence of the Crown. Now, as most Members have one or other of these opinions upon the subject, the Honourable Gentleman can safely join with all parties upon this point, but few I trust will be found to join him.

Thus, Sir, is this bill combated, and thus am I accused. The nature and substance of these objections I construe as the strongest comment upon the excellence of the bill. If a more rational opposition *could* be made to it, no doubt it would. The truth is, it increases the influence of the Crown, and the influence of party as little as possible ;

possible; and if the reform of India, or any other matter, is to be postponed until a scheme be devised, against which ingenuity, or ignorance, or caprice shall not raise objections, the affairs of human life must stand still.

I beg the House will attend a little to the manner in which the progress of this bill has been retarded, especially by the Right Honourable Gentleman (Mr. Pitt.) First, the Members were not all in town, and time was desired upon that account. Next, the finances of the East-India Company were mis-stated by me, and time was desired to prove that. The time came, the proofs exhibited, counsel heard, and yet the issue was, that my former statement, instead of being controverted, became more established by the very proofs which were brought to overturn it. The Honourable Gentleman has misrepresented me to-night again—he has an evident pleasure in it, which indeed I cannot prevent; but I can prevent this House and this country from believing him. He prefers the authority of his own conception (eager enough in all conscience to misunderstand me) of what I said to my own repeated declarations of my own meaning. He supposes a mistake because he wishes it.—I never did say the Company were absolute bankrupts to the amount of the debt, but I said there was immediate necessity of paying that given sum, without any

any immediate means of providing for it. The account of the Company's circumstances presented last week, furnished matter of triumph to the Honourable Gentleman for the full space of *three hours*, that is to say, whilst council were at the bar.—I made no objection to the account but this *trifling* one—that 12,000,000 were stated which ought not to appear at all there, and which were placed there only for delusion and fallacy. I never objected to the arithmetic of the account. The sums I doubt not were accurately cast up even to a figure—Yet the House will recollect that the Honourable Gentleman about this very hour of that debate, endeavoured to protract the business to the next day, upon assuring the House that the Company would then support their statement. I refused to accede, because I knew the matter to be mere shifting, and manœuvring for a vote, and that the Company *could not* support their statement. Was I right? The House sees whether I was.—The House sees the finance post is now totally abandoned, and for the best reason in the world, because it is no longer tenable. But the Honourable Gentleman is indeed a man of resources; he now gives me a challenge, and I beg the House to remark that I accept his challenge, and that I prophecy he will no more meet me upon this than upon the former points.

But there is no limit to a youthful and vigorous fancy—The Right Honourable Gentleman just

now, in very serious terms, and with all his habitual gravity, engages, if the House will join in opposing us to-night, that he will digest and methodise a plan, the outline of which he has already conceived. He has nothing *now* to offer; but justly confiding in the fertility of his own imagination, and the future exercise of his faculties, he promises that he *will* bring a plan—*provided* the majority of this House will join him to-night. Now, if ever an idea was thrown out to pick up a stray vote or two in the heel of a debate by a device, the idea given a while ago by the Honourable Gentleman is precisely such: but if I can augur rightly from the complexion of the House, his present will have exactly the same success with all his past stratagems to oppose this bill \*.

His learned friend, (Mr. Dundas) with singular placidness, without smile or sneer, has said, “as this measure was probably decided upon some time since, the East-India Company, *who could not expect such a blow*, ought to have been informed of the intended project. The Company was evidently unaware of this attack, and in fairness should have been apprised of it.” Does the learned Gentleman imagine men are in their sober senses,

\* He was right; for the Ministry had an accession of five votes this night, above the former division.

senses, who listen to such cavilling and quibbling opposition? The Company unaware of this attack! The learned Gentleman's own labours, independent of any other intimation, had been an ample warning to the Company to be prepared. Every man in the kingdom who reads a newspaper expected something; and the only wonder with the nation was, how it could be so long delayed. The reports of the Committees alarmed the public so much, for the honour of the country, and for the salvation of the Company, that all eyes were upon East-India affairs. This sort of observation had indeed much better come from any other man in this House, than from that identical Gentleman.

If these were not sufficient to rouse the attention and diligence of the Company, his Majesty's speech at the commencement and conclusion of the late session of Parliament, gave them note of preparation in the most plain and decisive terms; In his opening speech his Majesty thus speaks to Parliament upon the subject of India:

“ The regulation of a vast territory in Asia, “ opens a large field for your wisdom, prudence, “ and foresight: I trust that you will be able to “ form some fundamental laws which may make “ their connection with Great Britain a blessing “ to India; and that you will take therein pro-

" yet measures to give all foreign nations, in matters of foreign commerce, an entire and perfect confidence in the probity, punctuality, and good order of our Government. You may be assured that whatever depends upon Me, shall be executed with a steadiness, which can alone preserve that part of My dominions, or the commerce which arises from it."

The learned Gentleman, who knows more of the disposition of the Cabinet at that time than I do, can better tell whether any measure of this nature was then intended. The words are very wide, and seem to portend at least something very important; but whether any thing similar to this measure was meant, as this passage seems to imply, or not, is indifferent to the point in question. This is clear from it, that it gives a very ceremonious warning to the East India Company; enough surely to expose the weakness and futility of the learned gentleman's remark. The changes and circumstances of the Cabinet, in the course of the last session, can be the only excuse for the delay of some decisive measure with regard to India; and if in addition to all these, any thing more is requisite to confirm the notoriety of Parliament's being to enter upon the business, the following paragraph of the King's closing speech, last July, completes the mass of evidence against the learned Gentleman.

His Majesty after intimating a belief that he shall be obliged to call his Parliament together earlier than usual, thus speaks :

“ The consideration of the affairs of the East Indies will require to be resumed as early as possible, and to be pursued with a serious and unremitting attention.”—Superadd to all this, the part of the King’s opening speech this year upon India, and if the whole do not constitute sufficient testimony that the Company had full notice—nothing can.

Yet notwithstanding all this, the learned Gentleman accuses us of *surprising* the Company, and his right honourable friend, in hopes his proposal of another bill may have weight in the division—repeats the hacknied charge of *precipitation*, and forces the argument for delay in a taunt, “ that we wish to get rid of our torments, by sending this bill to the other House.” The Honourable Gentleman’s talents are splendid and various; but I assure him that all his efforts, for the last eight days, have not given me a single torment: were I to choose a species of opposition to insure a ministerial tranquility, it would be the kind of opposition which this bill has received, in which everything brought to confute, has tended to confirm, and in which the arguments adduced to expose the weakness, have furnished materials to establish the wisdom of the measure

measure—so impossible is it, without something of a tolerable cause, even for the Right Hon. Gentleman's abilities to have effect, though his genius may make a flourishing and superior figure in the attempt.

Before I proceed to the other parts of the debate, I wish to say one word upon a remark of the learned Gentleman: He says, that the clause relative to the Zemindars was suggested by his observations. God forbid I should detract from the merits, or diminish the desert of any man. Undoubtedly that excellent part of the regulation bill derives from the learned Gentleman; and if he were in this House when I introduced the subject of India, he would have known that I did him full and compleat justice upon that point.

My noble friend (Lord John Cavendish) has said, this bill does not arise from the poverty of the Company; but that liberal policy and national honour demanded it.—Upon the last day this bill was debated, I confined myself chiefly to the demonstration of the fallacy and imposture of that notable schedule presented by the East India Company, and having proved its falsehood, I can now with the greater safety declare, that if every shilling of that fictitious property was real and forth coming, a bill of this nature was not therefore the less necessary.

I thought

I thought we were fully understood upon this point from the opening speech in this business, which did not so degrade the measure as to say it originated in the poverty of the Company, which, as my noble friend rightly remarks, was the ~~smallest~~ reason to its adoption, and which opinion is not, as the Right Honourable Gentleman insinuates, "Shifting," but recognizing and recording the true grounds of the bill. If any misunderstanding then had hitherto taken place upon this head, it will, I trust, cease henceforth, and so odious a libel upon this country will not pass current, as that sordid motives only induced the government of England to *that* which we were bound to do, as politicians, as Christians, and as men: by every consideration which makes a nation respectable, great, and glorious!

Having vindicated the bill from this aspersion, and founded it upon that basis which every honest and sensible man in England must approve, I may be allowed to say that some regard may be had even to the mean and mercenary upon this subject (a portion of whom we have here, in common with all other countries.) Will such men endure with temper a constant drain upon this kingdom, for the sake of this monopolizing corporation? Will those, for instance, who clamour against a two-penny tax, afford with good humour million after million to the East India Company.

Company. The sinking fund is at this moment a million the worse for the deficiencies of the Company, and as the Noble Lord (Lord John) says, an extent must in three weeks arrest their property, if Parliament does not interpose or enable them to discharge a part of their debt to the Crown. Let those, therefore, who think the commerce ought to be instantly separated from the dominion, (were that at this time possible) and who think it ought to be left wholly in the present hands, reflect—that the formation of a vigorous system of government for India is not more incumbent upon us, than the establishment of the Eastern trade upon such principles of solidity and fitness, as shall give some just hopes that the public may be speedily relieved from the monstrous pressure of constantly supporting the indigence of the Company.

I have spoke of myself very often in the course of what I have said this night, and must speak still more frequently in the course of what I have to say; the House will see this awkward task is rendered indispensible, infinitely more having been said concerning *me*, during the debate, than concerning the question, which is the proper subject of agitation. The Right Honourable Gentleman (Mr. Pitt) says, that nothing ever happened to give him an ill impression of my character, or to prevent a mutual confidence. He says rightly.

There

There have been interchanges of civility, and amicable habits between us, in which I trust I have given him no cause to complain. But after pronouncing a brilliant eulogy upon me and my capacity to serve the country, the Hon. Gentleman considers me at the same time the most dangerous man in the kingdom, (Mr. Pitt said across the House, "*dangerous only from this measure.*") To which Mr. Fox instantly made this reply). I call upon the House to attend to the Honourable Gentleman ; he thinks me dangerous *only from this measure*, and confesses that *hitherto* he has seen nothing in my conduct to obliterate his good opinion. Compare this with his opposition during the last and the present session. Let every man reflect, that up to this moment the Honourable Gentleman deemed me worthy of confidence, and competent to my situation in the state. I thank him for the *support* he has afforded to the Minister he thus esteemed, and shall not press the advantage he gives me, farther than leaving to himself to reconcile his practice and his doctrine in the best manner he can.

The Honourable Gentleman could not, for one night, pass by the *Coalition*, yet I think he might have chosen a fitter time to express his indignation against the noble Lord (Lord North) than the present moment. An attack upon the noble Lord in his presence, would bear a more liberal colour ;

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and the cause of his absence now\*, would surely rather disarm than irritate a generous enemy.—There are distinctions in hatred, and the direst foes upon such occasions moderate their aversion. The Coalition is, however, a fruitful topic, and the power of traducing it, which the weakest and meanest creatures in the country enjoy and exercise, is of course equally vested in men of rank and parts, though every man of parts and rank would not be apt to participate the privilege. Upon the Coalition the Honourable Gentleman is welcome to employ his ingenuity, but upon another subject alluded to by him, I shall beg leave to advise, nay even to instruct him.

In what system of ethics will the Honourable Gentleman find the precept taught of ripping up old sores, and reviving animosities among individuals, of which the parties themselves retain no memory†? This kind of practice may incur a much worse charge than weakness of understanding, and subject a man to much greater imputations than are commonly applied to political mistakes, or party violence. The soundness of the heart may be liable to suspicion, and the moral character be in danger of suffering by it, in the opinion of mankind. To cover the heats, and obliterate

the

\* Lord North left the House very sick about midnight.

† Mr. Pitt quoted the passage of that famous speech of Mr. Fox's, which produced the duel between him and Mr. Adam.

the sense of former quarrels between two persons, is a very distinguished virtue :—to renew the subject of *such* differences, and attempt the revival of *such* disputes, deserves a name which I could give it, if that Honourable Gentleman had not forgotten himself, and fallen into some such deviation. He values himself, I doubt not, too much, again to make a similar slip, and must even feel thankful to me for the counsel I thus take the liberty to give him

An Honourable Gentleman under the gallery), (Mr. Martin) to whom an abuse of the Coalition seems a sort of luxury, wishes that a starling were at the right hand of the chair, to cry out disgraceful Coalition!—Sir, upon this subject I shall say but a few words :—

The calamitous situation of this country required an Administration whose stability could give it a tone of firmness with foreign nations, and promise some hope of restoring the faded glories of the country. Such an Administration could not be formed without *some* junction of parties ; and if former differences were to be an insurmountable barrier to union, no chance of salvation remained for the country, as it was well known that four public men could not be found, who had not, at one time or other, taken opposite sides in politics. The great cause of difference between us and the noble Lord in the blue ribbon no

longer existed; his personal character stood high; and thinking it safer to trust him than those who had before deceived us, we preferred to unite with the noble Lord. A similar junction, in 1757, against which a similar clamour was raised, saved the empire from ruin, and raised it above the rivalship of all its enemies. The country, when we came into office, bore not a very auspicious complexion; yet, Sir, I do not despair of seeing it once again resume its consequence in the scale of nations, and make as splendid a figure as ever. Those who have asserted the impossibility of our agreeing with the noble Lord and his friends, were false prophets; for events have belied their augury. We have differed like men, and like men we have agreed.

A body of the best and honestest men in this House, who serve their country without any other reward than the glory of a disinterested discharge of their public duty, approved that junction, and sanctify the measure by their cordial support.

Such, Sir, is this Coalition, which the state of the country rendered indispensable; and for which the history of every country records a thousand precedents, yet to this the term disgraceful is applied.—Is it not extraordinary, then, that gentlemen should be under such spells and self-delusion, as not to see, that if calling it disgraceful, makes it so, these epithets operate with equal force against themselves.

themselves. If the *Coalition* be disgraceful, what is the *anti-Coalition*? When I see the Right Hon. Gentleman (Mr. Pitt) surrounded by the early objects of his political, nay his hereditary\* hatred, and hear him revile the Coalition, I am lost in the astonishment how men can be so blind to their own situation, as to attempt to wound us in this particular point, possessed as we are of the power of returning the same blow, with the vulnerable part staring us directly in the face. If the honourable Gentleman under the gallery wishes that a starling were perched upon the right hand of the Chair—I tell him, that the wish is just as reasonable, to have another starling upon the left hand of the Chair, to chirp up *Coalition* against *Coalition*, and so to harmonize their mutual disgrace, if disgrace there be.

With the same consistency, an honourable Gentleman calls us *deserters* —— us; a few cold and disaffected members fall off, then turn about; and to palliate their own defection, call the body of the army *deserters*! We have not deserted; here we are a firm phalanx. Deserted indeed we have been in the moment of disaster, but never defeated, and seldom complaining. Some of those who rose upon our wreck, and who eagerly grasped that power which we had the labour of erecting,

\* Mr. Jenkinson sat near Mr. Pitt, Mr. Dundas, &c.

now

now call us deserters.—We retort the term with just indignation. Yet whilst they presume we have the attributes of men, they would expect us to have the obduracy of savages. They would have our resentments insatiate, our rancour eternal. In our opinion, an oblivion of useless animosity is much more noble; and in that, the conduct of our accusers goes hand in hand with us.—But I beg of the House, and I wish the world to observe, that although, like them, we have abandoned our enmities, we have not, like them, relinquished our friendships.

An Honourable Gentleman advises me for the future, not to mention the name of the Marquis of Rockingham, who, he says, would never countenance a bill of this kind. This is indeed imposing hard conditions upon those who have willingly suffered a sort of political martyrdom in the cause of that noble Lord's principles, those who surrendered pomp and power, rather than remain where his principles ceased to be fashionable, and were withering into contempt.—I venerate the name of that noble Marquis, and shall ever mention it with love and reverence; but at no period of my life with more confidence than at this moment, when I say that his soul speaks in every line of the bill before you, for his soul speaks in every measure of virtue, wisdom, human poli-  
cy,

cy, general justice, and national honour. The name of the noble Lord who enjoys his fortune, has been mentioned in this debate, and will be mentioned again by me; I will tell the honourable gentleman, that this noble Lord,\* though not the issue of his loins, inherits, with his property, the principles of that noble Marquis in all their purity and soundness; and is as incapable as that noble Marquis himself, or as any man on earth, of countenancing any act which either immediately or ultimately tended to the prejudice of his country, or the injury of the constitution.

An Honourable Gentleman (Mr. T. Pitt) at the other side, has used violent terms against this bill, and the movers of it. Sir, I tell that honourable gentleman (looking directly in the face of Mr. T. Pitt) that the movers of this bill are not to be brow-beaten by studied gestures, nor frightened by tremulous tones, solemn phrases, or hard epithets. To arguments they are ready to reply; but all the notice they can take of assertions, is to mark to the House, that they are *only* assertions. The Honourable Gentleman again repeats his favourite language of our having *seized upon the government*;—His Majesty changed his Ministry last April, in consequence of a vote of this House;—his Majesty did the same twelve months before.

in

\* Lord Fitzwilliam.

in consequence of a vote of this House—His Majesty in so doing, followed the example of his predecessors; and his successors will, I doubt not, follow the example of his Majesty.—The votes of Parliament have always decided upon the duration of Ministry, and always will, I trust. It is the nature of our constitution; and those who dislike it, had better attempt to alter it. The Honourable Gentleman called the change in 1782 a glorious one—this in 1783 a disgraceful one. Why? For a very obvious, though a very bad reason.—The Honourable Gentleman assisted in effecting the first, and strenuously laboured to prevent the second.—The first battle he fought with us; the second against us, and we vanquished him—In 1782 his friends were *out*, and would be *in*—In 1783 his friends were *in*, nor *would* go *out*. Thus having done without him what we once did with him, the House sees his motives—It is human nature certainly; but certainly not the better part of human nature.

A game of a two-fold quality is playing by the other side of the House upon this occasion, to which I hope the House, and I hope the kingdom, will attend. They are endeavouring to injure us through two channels at the same time—through a certain great quarter, and through the people. They are attempting to alarm the first, by asserting that this bill increases the influence of Ministry *against*

against the Crown ; and rousing the people, under an idéa that it increases the influence of the Crown *against them*.—That they will fail in both I doubt not—In the great quarter I trust they are well understood, and the princely mind of that high person is a security against their devices :—they are running swiftly to take off whatever little imposition might have been put upon any part, even of the multitude. And I wish to rescue the character of the public understanding from the contemptuous implication, that it is capable of being gulled by such artifices. I feel for my country's honour when I say, that Englishmen, free themselves, and fond of giving freedom to others, disdain these stratagems, and are equally above the filliness of crediting the revilers of this act, as above the baseness of confederating or making common cause with those who would support a system which has dishonoured this country, and which keeps thirty millions of the human race in wretchedness. I make allowance for the hair-brained headstrong delusions of folly and ignorance, and the effects of design. To such evils every measure is liable, and every man must expect a portion of the consequence. But for the serious and grave determinations of the public judgment I have the highest value, I ever had, and ever shall have. If it be a weakness, I confess it, that to lose the good opinion of even the meanest man gives me

some pain; and whatever triumph my enemies can derive from such a frame of mind, they are welcome to. I do not, after the example of the Honourable Gentleman who began this debate, (Mr. Powys) hold the opinion of constituents in disparagement. The clear and decided opinion of the more reasonable and respectable should, in my opinion, weigh the Member upon the same principle that, I think, that the voice of the nation should prevail in this House, and in every other place. But when the representatives yields to the constituent, it should indeed be by the majority of the reasonable and respectable, and not as we shall see in a day or two, some of the honestest men in England voting against the most popular tax ever introduced into this House, in direct opposition to their own conviction, and *not* upon the opinion of either the more respectable or reasonable class of their constituents.

My noble friend (Lord John) with his characteristic spirit, has said, that *we* never sought power by cabal or intrigue, or under-hand operations; and this he said in reply to an honourable gentleman (Mr. T. Pitt) whose conduct demonstrates that he thinks *those* the surest path for his friends. This bill, as a ground of contention, is farcical; the bill, if it admitted it, would be to be set apart, combated upon its intrinsic qualities, and not by abusing the Coalition, or raising a clamour about influence;

but

but why don't the gentleman speak out fairly, as we do ; and then let the world judge between us ? Our love and loyalty to the Sovereign are as ardent and firm as their own. Yet the broad basis of public character upon which we received, is the principle by which we hope to retain this power, —convinced that the surest road to the favour of the Prince, is by serving him with zeal and fidelity ; that the safest path to popularity, is by reducing the burden, and restoring the glory of the nation. Let those (looking at Mr. Jenkinson) who aim at office by *other* means, by inscrutable and mysterious methods, speak out ; or if they will not, let the world know it is because their arts will not bear examination ; and that their safety consists in their obscurity. *Our* principles are well known ; and I should prefer to perish with them, rather than prosper with any other.

The Honourable Gentleman under the gallery (Mr. Martin) says, he dislikes systematic opposition—Whether perpetually rising up with peevish, capricious objections to every thing proposed by us, deserve that name or not, I leave the gentleman himself to determine, and leave the House to reflect upon that kind of conduct which condemns the theory of its own constant practice—but I meet the gentleman directly upon the principle of the term. He dislikes the systematic opposition ; now I like it.—A systematic opposition to a dan-

gerous government is, in my opinion, a noble em-  
ployment for the brightest faculties; and if the  
Honourable Gentleman thinks our administration  
a bad one, he is right to contribute to its downfall.  
Opposition is natural in such a political system as  
ours; it has subsisted in all such governments;  
and perhaps it is necessary. But to those who  
oppose it, it is extremely essential that their  
manner of conducting it incur not a suspicion of  
their motives. If they appear to oppose from  
disappointment, from mortification, from pique,  
from whim, the people will be against them. If  
they oppose from public principle, from love of  
their country rather than hatred to administration,  
from evident conviction of the badness of measures,  
and a full persuasion that in their resistance to  
men, they are aiming at the public welfare, the  
people will be with them. We opposed upon  
*these* principles, and the people were with us; if  
we are opposed upon *other* principles, they will  
not be against us. Much labour has been em-  
ployed to infuse a prejudice upon the present sub-  
ject; and I have the satisfaction to believe, that  
this labour has been fruitless; (making a reason-  
able exception for the mistakes of the uninformed,  
the first impressions of novelty, and the natural  
result of deliberate malice) we desire to be tried  
by test of this very bill, and risk our character  
upon the issue: confiding thoroughly in the good  
sense, the justice, and the spirit of Englishmen.—

Not

Not lofty sounds, nor selected epithets, nor passionate declamation in this House, nor all the forc'd efforts of interested men out of this House, (of men whose acts in the East have branded the British name, and whose ill-gotten opulence, working through a thousand channels to delude and debauch the public understanding) can fasten odium upon this measure, or draw an obloquy upon the authors of it. We have been tried in the cause of the public; and until we desert that cause, we are assured of public confidence and protection.

The Honourable Gentleman insinuates, that I was incited by avarice, or ambition, or party spirit.—I have failings in common with every human being, beside my own peculiar faults.—But of avarice, I have, indeed, held myself guiltless. My abuse has been, for many years, even the profession of several people; it was their traffic, their livelihood; yet, until this moment, I knew not that avarice was in the catalogue of the sins imputed to me. Ambition I confess I have, but not ambition upon a narrow bottom, or built upon paltry principles. If from the devotion of my life to political objects, if from the direction of my industry to the attainment of some knowledge of the Constitution, and the true interest of the British empire, the ambition of taking no mean part in those acts that elevate nations, and make a people

a people happy, be criminal, that ambition I acknowledge. And as to party spirit—that I feel it, that I have been ever under its impulse, and that I ever shall, is what I proclaim to the world. That I am one of a party, a party never known to sacrifice the interests, or barter the liberties of the nation for mercenary purposes, for personal emolument or honours, a party linked together upon principles which comprehend whatever is dear and most precious to freemen, and essential to a free constitution, is my pride and my boast.

But, Sir, I have a peculiar glory that a body of men renowned for their ancestry, important for their possessions, distinguished for their personal worth, with all that is valuable to men at stake, hereditary fortunes and hereditary honours, deem me worthy of their confidence. With such men I am something—without them, nothing.— My reliance is upon their good opinion ; and in that respect perhaps I am fortunate. Although I have a just confidence in my own integrity, yet as I am but a man, perhaps it is well that I have no choice, but between my own eternal disgrace and a faithful discharge of my public duty, whilst these kind of men are overseers of my conduct, whilst men, whose uprightness of heart and spotless honour are even proverbial in the country (looking at Lord John Cavendish) are the vigils of my deeds, it is a pledge to the public,

lic, for the purity and rectitude of my conduct. The prosperity and honour of the country are blended with the prosperity and honour of these illustrious persons. They have so much at stake, that if the country falls, they fall with it ; and to countenance any thing against its interest would be a suicide upon themselves. The good opinion and protection of these men is a security to the nation for my behaviour, because if I lose them, I lose my all.

Having said so much upon the extraneous subjects introduced by the Honourable Gentleman into the debate, I shall proceed to make some observations upon the business in question.— When the learned gentleman brought in his bill last year, the House saw its frightful features with just horror, but a very good method was adopted to soften the terrors of the extravagant power that bill vested in the Governor-general. The name of a noble Lord \* was sent forth at the same time, whose great character lent a grace to a proposition which, destitute of such an advantage, could not be listened to for one moment. Now, Sir, observe how differently we have acted upon the same occasion.

The Earl of Fitzwilliam has been spoken of here this day, in those terms of admiration with which

\* Lord Cornwallis.

which his name is always mentioned. Take notice, however, that we did not avail ourselves of the fame of his virtue and abilities in passing this bill through the House.

If such a thing were to have taken place, as the institution of the Indian Secretaryship (according to the suggestions of some gentlemen) this noble Lord would certainly have been the very person whom, for my part, I should have advised his Majesty to invest with that office. Yet, although his erect mind and spotless honour would have held forth to the public the fullest confidence of a faithful execution of its duties; the objections in regard to influence upon a removeable officer, are tenfold, in comparison with the present scheme. The House must now see, that with all the benefits we might derive from that noble Lord's character—that, although his name would have imparted a sanctity, an ornament, and an honour to the bill, we ushered it in without that ceremony, to stand or fall by its own intrinsic merits, neither shielding it under the mantle of any man's virtue. Our merit will be more in this, when the name of those are known whom we mean to propose to this House, to execute this commission. (Name them, said Mr. Arden, across the House) I will not—I will not name them, the bill shall stand or fall by its own merits.

merits; without aid or injury from their character. An Honourable Gentleman has said these commissioners will be made up of our “adherents and creatures.” Sir; there is nothing more easy than to use disparaging terms; yet I should have thought the name of the Earl of Fitzwilliam would have given a fair presumption; that the colleagues we shall recommend to this House; for the co-execution of this business, with that noble Lord, will not be of a description to merit these unhandsome epithets.—I assure the Honourable gentleman they are not.—I assure him they are not men whose faculties of corrupting, or whose corruptibility, will give any alarm to this House, or to this country; they are men whose private and public characters stand high and untainted; who are not likely to countenance depredation, or participate the spoils of rapacity. They are not men to screen delinquency, or to pollute the service by disgraceful appointments. They would not, for instance, send Paul Benfield to India, nor shelter him in England, without his deserving it.

But this bill, Sir, presumes not upon the probity of the men;—it looks to the future possibility of dissimilar successors, and to the morality of the present commissioners, who are merely human, and therefore not incapable of alteration. Under all the caution of this bill, with the responsibility

fibility it imposes, I will take upon me to say, that if the aggregate body of this board, determined to use all its power for the purpose of corruption, this House, and the people at large, would have less to dread from them in the way of influence, than from a few Asiatics who will probably be displaced in consequence of this arrangement, some of whom will return to this country with a million, some with seven hundred thousand, some with five, beside the three or four hundred thousand of others who are cut off in their career by the hand of fate. An inundation of such wealth is far more dangerous than any influence that is likely to spring from a plan of government so constituted as this proposed—whether the operation of such a mass of wealth, be considered in its probable effects, upon the principles of the members of this House, or the manners of the people at large—more especially when a reflection that Orientalists are in general the most exemplary class of people in their morals, and in their deportment the most moderate and corresponding with the distinction of their high birth and families, furnishes a very reasonable presumption, that the expenditure of their money will be much about as honourable as its acquirement.

I shall now, Sir, conclude my speech with a few words upon the opinion of the Right Honourable Gentleman, (Mr. Pitt.) He says, he will

take

stake his character upon the "danger of this bill". I meet him in his own phrase, and oppose him—character to character—I risk my all upon the excellence of this bill, I risk upon it whatever is most dear to me, whatever men most value; the character of integrity, of talents, of honour, of present reputation and future fame; these, and whatever else is precious to me, I stake upon the constitutional safety, the enlarged policy, the equity, and the wisdom of this measure, and have no fear in saying, (whatever may be the fate of its authors) that this bill will produce to this country every blessing of commerce and revenue; and that by extending a generous and humane government over those millions whom the inscrutinable destinations of Providence have placed under us in the remotest regions of the earth, it will consecrate the name of England amongst the noblest of nations.

Mr. Fox after being upon his legs about an hour and a half, recapitulated the heads of his speech and sat down.

Mr. Arden made a tart reply, declaring he Mr. Arden looked on the bill to be neither more or less than a bargain between the Right Honourable Secretary and his noble Colleague. The noble Lord and he had agreed, that the Secretary should have the direction of the East-India patronage

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for the first five or seven years, and the noble Lord for ever after.

At length, it being HALF PAST FOUR in the morning, the House divided,

Ayes,	—	217
Noes,	—	103

Majority, — 114

And the Bill was accordingly committed, after which the House immediately adjourned.

The following is a correct List of the Division:

## HOUSE OF COMMONS.

Tuesday, December 9, 1783.

MR. Fox having moved the order of the day, on the third reading, Lord Mahon rose, and said, he wished previously to present a petition. Mr. Fox immediately consented to withdraw his motion. His Lordship then stated, that he held in <sup>Lord Ma-</sup> <sub>hon.</sub> his hand a petition against the Bill, then about to be proposed to be read a third time; a Bill the most infamous and abominable that had been at any time produced in that House. Had it become an act of parliament, his Lordship said, his respect for the legislature would necessarily have induced him to speak of the Bill in less harsh terms, but in that stage of it, he was perfectly orderly in bestowing on it those epithets he had used, nor did he know any too severe, that could possibly be applied to it. His Lordship then observed, that the Right Honourable Secretary had claimed the support and confidence of the House, not on account of his own character, but in consequence of his distinguished and powerful connections; he had stated himself to be the leader of a great army, the right wing of which he had boasted to have been commanded by the noble Lord at the head of the Exchequer and the Duke of Devonshire, two noblemen of whom he thought very

very highly, though he did not admire their present connexions, but the Right Honourable Secretary had forgot at the same time to mention that the left wing was commanded by his noble colleague, the noble Lord in the blue ribbon. His Lordship said he would, in two words, state his reasons for having no confidence in the Right Honourable Secretary. It was because nothing could be more opposite than his conduct and professions, nothing more contrary than his practices now and his principles repeatedly declared, while he was turning out that Minister, with whom he now associated. He had formerly stood up the advocate of the rights of the people, and the declared enemy of the influence of the Crown. He was now aiming at a most inordinate increase of influence, and trampling upon the rights of individuals. The petition he held in his hand, his Lordship said, was a petition from the borough of Chipping Wycombe against the present Bill; a petition which he should beg leave to present, though he stood not in any need of the instructions of his constituents to induce him to oppose a Bill so infamous and detestable, as that about to be read a third time. The petition was accordingly brought up, and being read, was ordered to lie on the table.

The

The order of the day was then read for the third reading of the East-India Bill.

Mr. *Hamilton* rose, and made a very warm and animated speech against the Bill; he declared that he had not been in the House when the Bill was first introduced, therefore he had neither heard the Right Hon. mover assume, that the East-India Company were bankrupts, nor had he heard him the next day retract the assertion. He had not likewise heard him go through the statement of their affairs laid before that House in contradiction to his first report of them. He had however read with attention the state of the Company's affairs which they had delivered in, and a fairer state he never saw. In it the Company had omitted to give themselves credit for several material articles, which would have amounted to very large sums. He insisted upon it that such had been the indecent haste and precipitation with which the Bill had been hurried through Parliament, that the House had not had time to consider it properly, to examine the extent of the necessity on which it was pretended to have been grounded, nor to establish the truth of the real situation of the East-India Company. Had that been the case, had the public had time to examine it, he was persuaded the table would have overflowed with petitions against it. He said, he rose then to speak his mind against it, because if it

passed

passed that House, and the House of Lords, which latter he thought scarcely credible, that House would no longer be a place for the resort of gentlemen of independent principles. He held up the Bill in the strongest colours of offensiveness and injustice, and put a number of arguments very forcibly, in order to support his position. He reprobated the Bill as violating the rights, and seizing on the property of the Company, without any previous charge of delinquency, or any proof of necessity. He reprobated it also on the ground of influence, declaring, if it passed, there was an end of the constitution. What, he said, would that House be, if it should ever be acceded to? The King would be reduced to a mere cypher, and that House to the speaking trumpet of the Minister. It had been called a daring and spirited measure, and the Right Honourable Secretary had been complimented for his boldness. For his part, he could not admit that any man could be said to be daring, where there was no danger, nor spirited, where there was no resistance. Mr. Hamilton enlarged upon the nature of the danger, and said, some men there were, who could wade to power through sedition, and secure it through influence, who, in order to rise, had the art of contriving to sow the seeds of popular clamour and discontent, without risking the danger, that must necessarily have accompanied the offen-

sible

sible promoter of either; after having made use of a variety of other severe personal insinuations, Mr. Hamilton painted the alarm and detestation that the Bill had occasioned in the East India Company in the liveliest colours, and said, it was fit the House should know, that the Proprietors were resolving upon the desperate measure of carrying up their Charter to the foot of the throne, willing to surrender it, and claiming the protection of their Sovereign, for the security of their private property. At length Mr. Hamilton concluded with a general and warm appeal to the feelings of the House, to prevent a Bill, that threatened universal disfranchisement and despotism, from getting a stage farther.

Mr. Nicholls began with saying, that after the ample manner in which the question had been discussed on the two former debates, it would be presumption in him to suppose that he could adduce new arguments on the subject. But the harsh epithets which had been given to the Bill, made it necessary for him not to content himself with a silent vote, but to assign the reasons which had induced him to give the measure his support.

After enumerating the various opprobrious epithets which had been given to the bill, he took notice of two of a more precise and definite meaning than any others, *disfranchisement and confiscation.*

He said, if the Bill was a Bill of disfranchisement and confiscation, he had hitherto been unacquainted with the meaning of those words. He said, the privilege of exclusive trade to India, and the right to the territorial possessions acquired by the Company remained inviolate, and unaffected by this Bill ; yet it was the extinguishment of this exclusive privilege, and the seizure of their property which could alone justify the epithets of disfranchisement and confiscation.

But he said, he would not cavil with the Honourable Gentlemen on the other side of the House on the precise meaning of words ; he apprehended the thing complained of was this, that whereas at present, the concerns of the India Company are managed by twenty-four Directors elected by the Proprietors, and controllable by the Proprietors ; by this Bill, the affairs of the Company are from henceforth to be managed by sixteen Directors nominated by Parliament, and controllable by the Proprietors only through the intervention of Parliament. This, he apprehended to be the objection to the bill, as far as that objection was founded on its being a violation of the rights of the Proprietors. He said, he had weighed this objection, and after the utmost consideration he had been able to give it, he still approved the principle of the Bill. And as it had been asked, whether the Bill was founded on the idea of the

Company's

Company's being a bankrupt, or on its having committed acts of delinquency, by which it had forfeited its charter, he would first tell the House, what was not the ground on which he gave his support to the Bill.—He did not give his support to the Bill, on the ground of the India Company's being a bankrupt; though he had no scruple to say, that if an individual trader stood in the situation in which the India Company now stands, he would be liable to be made a bankrupt. He said, the law had subjected an individual trader to be made a bankrupt, not only when his effects were of less value than his debts, but when he was unable to discharge the demands that were made on him, within a reasonable time after those demands might legally be made. The Company now stands in that situation; indebted to Government more than 900,000l. for customs, the payment has been postponed by authority of Parliament; the time that has been indulgently given to the Company by Parliament, is nearly expired, yet the Company is utterly unable to discharge the debt. He had therefore no scruple to say, that an individual trader, standing in the same situation as the Company, would be liable to be made a bankrupt.—But, he said, it was not on the ground of the India Company's being a bankrupt, that he gave his support to the Bill: Neither was it on

the ground of delinquency, though he thought the Company's conduct, in many instances, extremely culpable. He instanced the oppressive monopolies that had been established in Bengal, and laid considerable stress on the prejudice the Company had done to the national reputation, by smuggling opium into China ; in which empire, the introduction of opium is prohibited, from principles of police.—He said, when the Company accepted the grant of an exclusive trade to India, there was an implied engagement on the part of the Company, that the trade should be carried on honourably, and with good faith, and in such a manner as might not hurt the interests of the nation. That by submitting to take on them the employment of smugglers, the Company had broke this engagement, and done irreparable damage to the English name in China.—Having thus stated what were not the grounds, he proceeded to state what was the ground on which he supported the Bill ; he said, the ground on which he voted for the Bill, was this ; that the present system of Administration of the India Company is inadequate to the management of the concerns intrusted to it. It is unable to enforce obedience to its orders ; it is unable to prevent the revenues of the territorial possessions from being wasted by its servants ; it is unable to protect the inhabitants of the territorial possessions from

from the rapine and oppression of its servants; it is unable to restrain its servants from factious dissensions among themselves; it is unable to restrain its servants from engaging in wars of rapine and ambition at the hazard, not only of the interests of the Company, but of the welfare of the state. On this ground he approved of the present Bill, he approved of the interference of Parliament to substitute a vigorous system of Administration in the place of one which was found, by experience, inadequate to the concerns intrusted to it. If he were asked by what right Parliament interfered, he would answer the question: Parliament interfered in its character of the great national council, bound to superintend the interests of every part of the empire. He said, that no one in the debate had ventured to say, that when Parliament granted to the India Company the right of exclusive trade, and of acquiring territorial possessions in India, and marked out the system of administration by which the Company's affairs should be governed, viz. by twenty-four Directors elected and controulled by the Proprietors, it at the same time divested itself of the power of superintending and regulating the Administration of the Company's affairs.—If Parliament had made such a grant, it would have been not only the most mischievous to the empire, but the most pernicious to the Company, that was ever devised by man. The uniform conduct of Parliament

ment shews it has not divested itself of its right to interfere in the management of the India Company's concerns. Sometimes we have seen Parliament interfering to restrain the Directors from making too large a dividend; at other times, restraining them from extending their credit by issuing bonds beyond a certain amount; at another time, depriving stock-holders of 500l. stock from voting in the General Court, and limiting that right to such stock-holders only as are possessed of 1000l. stock. and this, although by the original constitution of the Company as created by Parliament, the Proprietors of 500l. stock were declared members of the General Court, and entitled to vote at the election of the Directors. In all these cases Parliament interfered in its character of the great national council, bound to interfere, whenever the welfare of the whole empire or the immediate interests of the Company required it. He said, he had hitherto considered the right of Parliament to interfere, and the emergency which called for its interference, in the circumscribed view of the India Company, considered as a commercial Company, possessed of the privilege of exclusive trade to India, and of the territorial possessions acquired under its charter. But there is another right, by which Parliament may, and another ground on which it ought to interfere, viz. the protection of at least twelve millions of

British subjects in Indostan. The government of these subjects has been hitherto intrusted by Parliament to the India Company, to enable the Company to carry on its exclusive trade, and collect the revenues of its territorial possessions with more advantage. Experience has shewn us, that the present system of administration of the Company, is unable to protect these subjects of the empire from oppression. He trusted nobody would dispute the right of Parliament to interfere for this purpose. Parliament cannot have divested itself of this right, it would have abdicated its functions, it would cease to be a parliament. There is yet another ground on which Parliament ought to adopt the present Bill ; the possessions acquired in India, though extensive and fertile, and abounding in industrious inhabitants, yet under the feeble government of the India Company, they have never afforded that addition of strength to the empire that might have been expected ; they have remained almost a distinct empire, the force of which has frequently been directed to objects very different from the welfare of the whole. The present Bill promises to knit together these disjointed parts, to consolidate the Asiatic and European possessions into one empire, and by that means add strength and vigour to the whole. Before he sat down, he said, he would answer an objection that had been urged by the Honourable Gentleman who spoke last, viz. That this Bill would

would increase the influence of the Crown. He said, he had always thought that power residing in the Crown productive of no public good, employed only for the purpose of influence, ought to be abolished. What was the inference drawn from this position? That power necessary for the well being of the state must not be intrusted to the Crown, lest it may be employed for the purposes of influence. Was this fair reasoning? He said, if the principle of the bill was right, if it was expedient to substitute a vigorous system of Administration in the place of one found by experience too feeble, any little inconvenience that might arise from the augmentation of influence must be submitted to. The most fortunate decisions of human wisdom were rarely found without alloy. One remark however, he would make, that the ample prunings, which the influence of the Crown had lately received, rendered the danger from an increase of influence much less than it would have been at any former period. He closed, with saying, that from a persuasion that the system substituted by this bill, would promote the interests of the Proprietors of India stock, afford protection to the inhabitants of the British empire in Indostan, and an addition of strength and vigour to the empire, he should give it his support.

Mr. Alder-  
man Wilkes.

Mr. Alderman Wilkes declared his firm resolution to oppose with all his might a bill big with iniquity

iniquity and injustice, dangerous to the rights and liberties of Englishmen, and that would sooner or later overturn the constitution. The bill not only broke the faith of Parliament with regard to the East India Company, but gave the public an alarming idea of what all other corporate bodies were to expect. He reminded the House of the grounds of necessity upon which the Bill had been originally introduced, and the manner in which Mr. Fox had stated the situation of the Company's affairs. The Right Hon. Gentleman had not, he acknowledged, used the word *bankruptcy*, but he had said expressly, that the Company were in debt five millions; and in order to make out this, the Right Hon. Gentleman had omitted to state in his calculation all their floating property; *forty-five* ships, Mr. Wilkes said, were coming home, and might be expected in the course of the years 1784 and 1785. He shewed also, that the Secretary had omitted the mention of the Company's property in their warehouses in India. These added together made a vast sum. Having stated this, Mr. Wilkes observed upon the difference between the accounts of their affairs, as given by the Company, signed by their Auditor and their Accountant; and authenticated at the Bar of the House, and the account made out by Mr. Fox; in that respect he said, issue was joined, and an argument could not fairly be deduced either one way or the

other, till that issue was tried. The issue ought therefore to go to trial at the Bar of the House, and then the truth would come out. With regard to the Company's having committed acts of bankruptcy, the Right Honourable Secretary knew the nature of acts of bankruptcy, so much better than the lawyer on the floor, who had just sat down, that he was sure he would readily join with him, in declaring, that he need not go out of that House for many right honourable instances, that not to be able to pay a legal demand, was no act of bankruptcy; that House proved, in a variety of instances, the essential distinction between insolvency and bankruptcy. The India Company might be insolvent, but they were not bankrupt. The same worthy lawyer, to whom he had alluded, had said the bill was not a bill of disfranchisement and confiscation. Would any body contend, that if he held property to which was annexed a franchise, and that property was seized upon and taken out of his hands, would any body contend that he was not robbed of his franchise? Most certainly he was. With regard to confiscation (for he would still stick to the word) if he understood what confiscation meant, it was the taking the property of one man out of his hands, and putting it into the hands of another. The bill took away the property of the East-India Company from their keeping, and forcibly, and against

against their will, delivered it into the keeping of others. Some gentlemen, Mr. Wilkes observed, had bestowed harsh epithets on the bill, and called it an infamous and abominable bill. He would speak of it more tenderly, and call it by its true name. It was then neither more or less than a *swindling bill, drawn and presented under false pretences* to rob the innocent Proprietors of the East-India Company of their rights, privileges, and property. This was the true description of it.—With regard to the government of our Indian territories, he declared he had not, generally speaking, any great tenderness on that account; he had ever thought it the strangest thing in the world to trust the government of a mighty empire in the hands of a body of merchants and traders. This was indeed an *imperium in imperio* the most absurd and ridiculous that could be imagined.—Besides, dominion and sovereignty were neither the original nor the proper objects of the East-India Company's pursuits; they were instituted for the sake of carrying on a commerce with the Eastern world, and not a scandalous and heterogeneous traffick, made up of war and trade, rapine and murder, peculation and corruption. He declared he should be heartily glad, if every European were driven out of Asia. Not merely the British subjects, but the Dutch, the French and the Portuguese, whose barbarous treatment of the

natives had ever been a disgrace to humanity. Before Mr. Wilkes concluded, he paid Mr. Fox and Lord North severally very high compliments, mixing some censure with his eulogies. He gave Mr. Fox full credit for possessing the greatest talents, and most happy flow of words that ever a parliamentary debater was gifted with. He lamented, therefore, that a man of so much genius, a politician of such firmness and spirit to bring forward and carry through any measure, however bold and enterprising, should have proposed one, which he could not consider but as destructive to the liberties of the people, and dangerous to the Constitution. Speaking of Lord North, he allowed the noble Lord the most perfect personal integrity and ability, the purest classical wit, and the most easy manners and unaffected good humour that ever distinguished any man, let his station be what it might. He could not, he owned, but wish the noble Lord had a greater reverence for the Constitution. That was a quality, which ought to be inherent in a good Minister, and wanting that, no man could be a fit minister for this country. In the course of his speech, Mr. Wilkes took some notice of the Coalition, which he reprobated as most unnatural and incongruous, declaring it to be a duumvirate, from whom as much mischief to our constitutional rights and privileges was to be dreaded.

as had in elder time happened from any triumvirate or decemvirate that ever was formed.

Mr. John Luttrell very candidly but very fully Mr. John Luttrell. supported the motion ; he said he had given the utmost attention in his power to every material argument that had been used, either for, or against the Bill, from the time that subject was first mentioned to the House, to the moment he was then speaking, and, upon considering the whole, he was decidedly of opinion, that the Bill should be read a third time, and ought to pass in the shape it was then perfected ; but he did not much wonder to see some opposition follow it to the last, because he had observed, that no sooner did the Speaker shortly state the contents of those clauses that were to vest in certain Commissioners, since named by the Bill, the management of our East-India possessions, than it roused the ire of the statesman and the envy of the politician ; some gentlemen, he said, seemed instantly to lose sight of the necessity and efficacy of the measure, in the jealousy which they felt, and which they expressed, at the influence it might give the Minister, who would have the nomination of the men. This he considered as the leading star of Opposition to the Bill ; here he had seen the shoe of party to pinch to a degree, that some of its votaries were unable to bear with temper ; but he did not think, either as an East-India Proprietor,

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or as a Member of Parliament, sent there to guard the interests of the community at large, that he ought to be led away by the private interests of any particular party in that House. He approved the Bill as it was then compleated, because it met his ideas, of what appeared necessary and proper for this country to do upon the occasion, and he was persuaded, that it would ultimately tend to the honour of Great-Britain, to the prosperity of the East-India Company, to the gain and stability of all the Proprietors, for there was not two opinions in that House, but the noble Earl propos'd to preside at that Board, and the six Chief Directors, would be found much more equal to the governing our territorial possessions in India, than those who heretofore had the management of them ; and it was generally agreed by the House, although a few members dissented, that it would be extremely impolitic at the present moment to separate the territory from the commerce of India ; if so, why then, as the Assistant Directors were all men of business and ability, it appeared to him, that the Bill was perfectly judicious and right, for with respect to the Directors being Members of Parliament, the House would have the advantage of their presence to give information whenever it was sought for, and account for their proceeding when required to do so. As for the alarm which some gentlemen expressed, and with which they

they had endeavoured to imbibe the minds of others, that the patronage might give an undue influence to the Crown, or to the Minister, he verily believed it would not outweigh their just proportion of power in the constitutional scale, however it preponderated in the political one of those who had been Ministers, and might wish to be so again. He would freely confess, however unpopular it might be, that he never should think any man deserved credit for having been instrumental to reduce the power of the Crown to its present extreme, neither would he have boasted of it, as some gentleman did, if he had concurred in the total annihilation of the Board of Trade. He said the House seemed blinded to the bad consequences of that measure, by the party violence of those times, but he feared they had been felt by almost every commercial man in this kingdom ; it was a proposition which, he owned, appeared almost as strange to him, as what had been offered to the House for a preference to the Bill. Some gentlemen contended, that we should give up all our East-India concerns into the hands of the native Princes, and bid them be happy, but by consenting to that, they would in the same breath declare the East-India Company bankrupt, with many of its connexions. The seaman, the artificer, the manufacturer, and labourer, must all sink in one general ruin. Additional

ditional poverty and distress would pervade every part of this island. He then asked if the alternative proposed by a bill of a learned gentleman, and by himself personally, was much more acceptable? he thought not, for he desired, to strip the language of the learned gentleman, and that of his friends, of the flowers of oratory, and all its trophies, and see if the essence of it to common sense did not amount to this: We are ready to declare that the East-India Company are incompetent and unfit to govern their territorial possessions in India; therefore we consent that you should take them away, but we desire that all the patronage, all the controul, power, and management of their commerce, may be left, as heretofore, in the hands of the Directors—he said, for what, for the benefit of the Proprietors? No.—For the benefit of their own *political* convenience? Yes. For the learned Gentleman declared, and his friends declared, that they would arrest out of the hands of the Court of Proprietors all power and controul over those Directors, and then the Patronage, the Secret Influence, and the Public Power, given by other Acts of Parliament, must all center with the Minister of the day; and whatever conduct those Directors might observe or abet, the Court of Proprietors should have no power to call them to account for.

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Things appearing to him to be so, he would beg leave, of those evils offered him, to choose the least; and as it had been adjudged constitutionally necessary to take from him the management of that property, he was sure his preference was right, when he accepted the terms of the Bill, because the faith and the honour of the Secretary of State that produced it, the faith and the honour of all those Ministers with whom he drew, that of the noble Earl who was to preside in the Direction, and of the six other Chief Directors, were all pledged to do the best they consistently could for the benefit of the Company, and he did not doubt but the effects of the bill would be an increase of their credit, and of the value of their stock.

He had heard it said more than once in the course of the business, that in the multitude of counsellors there was wisdom; he begged leave to repeat it, and to apply the observation thus:— What effect had the Call of the House upon that Bill? An increase in consultation of a multitude of counsellors on its merits, and he had the evidence of the last division to shew, that the more they were considered, the better they were approved; he had no doubt but they would continue to be so by all dispassionate men; for he was persuaded, that the Bill promised much in the present situation of the East-India Company's affairs, and

in the necessity of reform, to bring advantage to Great-Britain, to the Company, and to the Stockholder. As an humble representative of the former, and as making one of the latter, he thought his thanks were better due to the Right Honourable Secretary, who had produced the Bill, than either to those gentlemen who would give the property to the Indian Princes, or to the learned gentleman and his friends, who would leave them little more than the name of it. Under these circumstances, therefore, he chearfully concurred in the Bill being read a third time, and would certainly give his vote for its passing into a law.

Mr. Will.  
Grenville.

Mr. W. Grenville began, by wishing the Honourable Gentleman who spoke last, and who had delivered himself so fluently in a general manner, in support of the bill, had condescended to favour the House with a few arguments in support of what he had advanced. Mr. Grenville said, that having heard nothing like a solid and substantial reason in favour of the bill yet, he had listened to the whole of the Honourable Gentleman's speech with the utmost attention, but had not been able to find the appearance of argument for the bill in any part of it. Having said this, he declared, he would not go over the ground of general objection against the bill a second time, but would chiefly confine himself to a few observations upon what had fallen from different gentlemen in the course

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of the preceding debates, and chiefly from a Right Honourable Gentleman, who, when the principles of the bill had been debated last week, had spoken very much at large on the subject of India (Mr. Burke.) That Right Honourable Gentleman, among other extravagant assertions, had not contented himself with general praise of the present bill, but had termed it a confirmation of Magna Charta. This was a most extraordinary declaration, and if the Right Honourable Gentleman could prove that it bore any the most distant analogy to Magna Charta, he must deeply lament, that he had ever been sent to that House; for he certainly read *his* Magna Charta, in a style so completely different from the language and purport of the present bill, that he could not be qualified for a representative in Parliament, of any set of people whatever, if the Right Honourable Gentleman was right, and he was wrong. One great principle of Magna Charta, as he read it, was, "that no Englishman was to be spoiled of his property and privileges, or disfeized of his freehold, but by the judgment of his Peers, or the common law of the land." The bill then under consideration directly and avowedly violated this fundamental principle of our great charter. Mr. Grenville went on to make a variety of observations on Mr. Burke's speech of Monday evening, all of which were extremely ingenious

and well put. He concluded with declaring his satisfaction in having done his utmost to prevent such a Bill from being carried into a law.

*Gen. Burgoyn.* General *Burgoyn* said, that he had the honour to sit during two years in the chair of the first Committee, that had been appointed by that House, to investigate the affairs of the India Company; and in the course of that enquiry, he had formed a decided opinion, that no radical redress could be given to the misgovernment of the Company abroad and at home, but by a material change in their Constitution; a Constitution wisely framed in most instances, for the purposes of trade, for which it was designed, but inadequate and preposterous for the conducting dominion and empire, to which, by a strange concurrence of events, it was now applied. For the success of the Committee, to which he alluded, and bringing to light the misconduct of that day, he could not better appeal than to the Speaker, who was an able partaker in the labours of that Committee, and an eminent example of its integrity.

Without touching upon the cause that prevented the good effects to which the proceedings of that Committee naturally led, he had frequently lamented, that either that, or the Secret Committee, which went hand in hand with it, ever fate — God forbid the miscarriage of this Bill should double that regret! for when such general detrac-

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tection is followed only by general impunity, or abortive plans of reform, it acts as encouragement and sanction to the progress of offences; till what was thought the extreme of guilt at one time, as in the year 1773, when compared with what is produced before you in 1783, appears to have been but a small degree upon the scale of wickedness.

The General said, he was not here when this Bill was introduced; but he had read with great pleasure, that the Right Honourable Mover, had been called upon with great earnestness to produce an effectual reform—no palliatives or half measures could be accepted.—His surprize was then great indeed, to find the same honourable and highly respectable gentleman, [Mr. Pitt] who had thrown out that exhortation, ground his most forcible argument in opposition to the Bill, upon violation of charters, because he could not conceive any two ideas more irreconcileable, than effectual reform and ~~preservation~~ of the Company's charter.—It was ~~unnecessary~~ to go into more debate upon charters abstractedly, since it was now admitted by the most strenuous assertors of their sacredness, that if the trust of a charter was so abused or perverted, as to make it absolutely *necessary* to alter or abridge it, the legislature was clearly competent, and bound in duty, so to do. Upon this plea then of *necessity* he joined issue; and for proof of that *necessity*,

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necessity, his reference was short—read the re-  
ports upon the table.—What a picture had his  
honourable friend [Mr. Burke] drawn from  
those reports; a plain uncoloured narrative he  
had professed it to be, and so it was—He could  
not have heightened it—Had his honourable  
friend been disposed, abstractedly to give a theory  
of the crimes, to which the human mind may be  
brought, with all his stretch of invention, his  
abundant fancy, his powers of imagery, which  
he possesses beyond any man, he could not have  
equalled the reality of crimes extant in those re-  
ports—every page was a new discovery of Tar-  
tarus.

*Vendidit hic auro patriam, dominumque potentem  
Imposuit, fixit leges pretio, atque refixit,  
Ausi omnes immere nefas, auctoque potisi!*

Fiction nor policy could not reach the hor-  
rors of those reports; and should we then  
be told of charters? a charter, under which  
such transactions can pass with impunity is  
in itself he was going to say a nullity—  
but it was much worse; it was a charter of de-  
vastation, of cruelty, of famine, and of blood.  
Or should we be stopped in the great work of re-  
dress, by the *accounts* of the Company; that cur-  
ious statement, confuted one day, amended the  
other, new modelled a third! to persuade us of  
the financial capacity of the Company, to drag  
on for a few years longer, a wretched, disgrac-  
eful

ful, fatal existence, productive of misery and destruction to thirty millions of the human race, and a perpetual infamy to the British name !

In regard to the influence of the Crown, the General said, that upon the same principle upon which in a former year he had voted for the diminution of that influence as applicable to the corruption of that House, he now voted for the clause of the Commissioners in this Bill ; being clearly of opinion, with many others who had spoke, that it exchanged an occult, a clandestine, and a dangerous influence, for an open, direct, and constitutional patronage of the state, for which every Minister would be responsible with his character and his head.

The General concluded with observing the sneer which was common in talking upon the very full attendance upon this Bill : there had not been much of it within the House for a plain reason, namely, that the urgent call for friends had been pretty equal on both sides, and, as he thought, without discredit to either ; for if one set of gentlemen believed a great public good depended upon the support of a Bill, and another that the public interest lay in its defeat, it was very natural and proper, that each should desire to bring to town every man who agreed respectively in opinion. He therefore was ready to avow those two principles, treated by some to be so laughable, attach-  
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ment to his friend, and duty to his country.—He avowed that upon those motives he had traversed the sea, and three hundred miles by land, for the express purpose of giving his vote upon this occasion; and his satisfaction at this moment was greatly enhanced, at finding the measure his heart approved, had been introduced and conducted to its present stage of success, by the men he loved.

**Mr. Martin.** Mr. *Martin* said, Sir, I rise chiefly for the purpose of giving a parting execration to this pernicious and unconstitutional Bill, for such it appears to me in every point of view. Though some palliatives have been applied to it.—Though we are not to be attended in this House by the Apothecaries—and though our seven present Physicians may be men both of skill and integrity, yet, when they fall off, their places may be filled by Doctors, of whom we may conceive a very different opinion. At the same time, Sir, I must congratulate the Right Hon. Secretary, on the compleat and brilliant victory he is about to gain over the Independence of the House of Commons. The Bill once passed, men who think and act for themselves, may as well be absent from this Assembly. We may, indeed come down to settle petty regulations and matters of trifling consequence, but for any thing great or noble, we may bid adieu to it. Our country gentlemen may stay in their counties, and men

men of business in the capital, may give close attendance to their private avocations, for " *Altum est de Republica.*" To speak, Sir, in more familiar language, and the language of the turf, which the Right Honourable Secretary understands ; he has fairly jockeyed us out of our liberties. Sir, the Right Honourable Gentleman doubts my sincerity, when I attribute his conduct to avarice, ambition, or party spirit. Ambition and party spirit I have heard him avow ; and as to avarice, I must say, without meaning any personal application, that I think it perfectly consistent with the present extravagance, and often the immediate effect of it. Mr. Speaker, on such a day as this I cannot but regret the loss of some distinguished friends to the Constitution of this country ; I fear we shall miss them most essentially ; and here, Sir, permit me to pay my humble tribute of praise to their most worthy characters. I mean, Sir George Savile and Sir Charles Turner : the former, Sir, I trust, may, by retreating from public business, recover his health, and in some future time benefit the country by his advice and assistance. Of the latter I shall only remark, that though some singularities in his opinion might occasion pleasantries, he had the substantial virtues of a good citizen, and a steady, intrepid asserter of public liberty. However respectably, Sir, the places of these gentlemen may be filled in this House, I shall always lament their

loss as men of distinguished merit; I cannot conceive that characters, such as these, would have supported the Bill now proposed to be passed. Whatever pretended necessity there may be for it, they would have strenuously opposed it. I am well aware, Mr. Speaker, that the suffrages of these gentlemen would but little have increased our humble minority; but their voices and their countenance would have contributed to add spirit to our resistance. Sir, I am free to own, that in these melancholy times I am not so much discouraged by the appearance of numbers in this House, as I am by the general depravity, servility and insensibility of the public at large. The character of the nation is lost, and the noble spirit of our ancestors is dwindled into meanness and corruption of every kind. The Right Honourable Secretary knows our condition, and most piously takes advantage of our baseness. He may say again, Sir, that I hardly believe what I say, but I will tell the Right Honourable Gentleman, that if there is a vice I hold in peculiar detestation, it is that of duplicity and hypocrisy, and that whatever character the Right Honourable Gentleman may have justly acquired for brilliant talents, I will venture to stake my character against his for sincerity and plain dealing. Sir, that Honourable Gentleman must know, that I can have no personal pique or dislike to him, but I should desert the interest of my constituents

fluent, did I not endeavour to put the public upon their guard against the danger of such a Minister, who will be formidable to the country in proportion to his distinguished abilities. If he be really so dangerous, it may be said from whence has such a man his strength—Sir, I will answer, with a little variation, in the words of a noble and elegant author on another occasion: “ From “ the general corruption of the people, nursed up “ to full maturity, under the administration of his “ noble colleague, from the venality of all orders, “ and all ranks of men, some of whom are so “ prostitute, that they set themselves no law, and “ prevent applications.”—Sir, as to the Bill itself, I have the most decided opinion of its dangerous consequences, and therefore shall give my most hearty negative to the third reading. I doubt not but the Right Honourable Secretary, with the private advantages of it in prospect, will have a majority to his wishes. We have lately, Sir, been much embarrassed for a new tax, to substitute in the place of one, which to many persons seems unequal, odious and unproductive. I wish, Sir, we were to lay a heavy impost on the individuals who shall compose the majorities during the remainder of the session. After the passing the Bill before us, I am persuaded the tax proposed would be abundantly productive, and that it would be very far from affecting the poor. Sir, I fore-

see but one good consequence that can follow this Bill, I mean that it may possibly rouse the natives of the country to drive us compleatly out of it. This I really think would be a blessed effect, both for them and for ourselves. Sir, it has been said, that if we should relinquish our possessions in that part of the world, that other European States would take possession of them, and that we should lose our commerce. Such an argument reminds me, Sir, of a short conversation between two gentlemen taking the air on Hounslow Heath. The one seeing at a small distance a carriage with some unarmed passengers, proposed to the other to ease them of the trouble of carrying their watches and money. The other in answer observed, that he was not much disposed to be guilty of such an action, which could not be altogether justified upon the principles of honesty. Oh ! replies the first, you may make yourself perfectly easy as to the morality of the affair, for if we should let them pass quietly, they will most probably meet with others in a few minutes who will not be so scrupulous.

In short, Sir, I have not that art which people possess in such high perfection of persuading myself, that every thing is just which may promote some sordid self-interested pursuit, and therefore must repeat, that as I have opposed this Bill in every

every former stage, I shall continue steady in that opposition till it is sent to the Lords. I trust, Sir, that their Lordships will think it totally inconsistent with their justice and their dignity to pass such a bill; but if it should be otherwife, there is a hope still left for us; I mean, Sir, that his Majesty will refuse his consent to such a pernicious measure. Though, Sir, I have been reckoned unjustly a friend to innovation, I profess myself to be heartily attached to the spirit of the *genuine* constitution of this country. The power of a negative in the Crown I regard as essential to that constitution. If it ever should be abused by any future Prince, this House, when properly constituted, should always hold the purse of the people, and by that means may effectually bring a sovereign to reason, who should betray the trust reposed in him. If, Sir, this prerogative is *never* to be exerted, why not abolish as a ridiculous farce the pompous parade of passing bills in the manner as now practised?—As you, Mr. Speaker, and the House were so kind to hear me in a former stage of this business with more patience than any thing I had to offer could merit, I should not have again trespassed on that patience, did I not feel that in a matter of such consequence, every man who has any value for his public character must wish to be watched through every part of it. Sir, I would with pleasure have given way to the learned

ed Gentleman, (Mr. Scott) who rose at the same time with me, but having solicited your attention before, and always feeling an unpleasant agitation of spirits when I have any thing to offer to the House, I trust I shall be excused for deferring for a few minutes, the House being both entertained and instructed by the learned Gentleman who is now going to rise.

Mr. Scott. Mr. Scott made a most excellent speech against the Bill, and began with a retort on Mr. Martin for his having said, last Monday evening, that some Gentlemen not only made talking their profession, but that their talk was nothing but profession. He then assured the House, that he had no personal or party motive whatever; that he neither wished to set up one ministerial idol, nor to pull down another. He spoke as his feelings and his judgment dictated, and though he disliked the Bill, and should vote against its third reading, he neither adopted all the objections to it, nor disapproved all the arguments in its favour. Mr. Scott then went into a very candid discrimination of both, pointing out in what he agreed with other gentlemen on both sides the House, and in what he disagreed. In the course of his speech he cited the following verses out of the 13th chapter of Revelations—*And I stood upon the sand of the sea, and saw a beast rise up out of the sea, having SEVEN heads and TEN horns, and upon*

upon his horns ten CROWNS, and upon his heads the name of blasphemy.—And there was given unto him a MOUTH SPEAKING GREAT THINGS and blasphemies; and power was given unto him to continue FORTY and two months; (which he believed to be six months short of the term, for which the Bill was to continue in force).—And he caused ALL, both small and great, rich and poor, free and bound, to receive a MARK in their RIGHT HAND, or in their foreheads. And that no man might BUY or SELL, save he that had the MARK, or the name of the beast or the number of his name.

The reading of the above, as may be imagined, kept the House in a roar. Mr. Scott also in the course of his speech quoted the speech of Brutus, who, speaking of Cæsar, says,

— He would be crown'd —  
How that might change his nature, there's the question,

and also a passage from Thucydides.

Mr. Anstruther rose after Mr. Scott, and said, Mr. Anstruther. he did not rise to introduce into the debate, the personal characters or honour of the gentlemen who supported either one side or the other of the question, which had been so much adverted to by those who had spoke before him; before, however, he entered upon the question itself, he could not help taking notice of an argument, that had been much

much dwelt upon, and which seemed to be in some measure the foundation of the violence of the epithets, which had, in his mind, with so little reason, been bestowed upon the Bill. Gentlemen had stated, that Committees ought to be instituted to enquire into the accounts of the Company, and that they had been refused permission to produce evidence of their situation. It was true, it had been asserted, but even the gentlemen themselves, who had asserted it, had never thought of moving for the Committees they talked of, nor attempted to produce the evidence they said was in their possession; that even the Company itself had been heard at the Bar, had offered every evidence they had to produce, and never had once attempted to say, they had been precluded from bringing forward every thing they had to produce; he was therefore justified in saying, that every party had been heard that wished to be heard, and that all evidence, which either the Company, or the Gentlemen opposite, had to produce, had been received. Two schemes had been produced for the future government of India; the one, by the learned General opposite, and the other, by the Right Honourable Secretary. He would not at that time tire the House by going at large into the question, but would shortly state the reasons which led him to prefer the plan, that was the object of the debate

bate that day. To judge of the merit of a plan, it was necessary to know precisely the evil that was to be remedied, and to apply the remedy exactly to the disease. In his opinion, the defect lay in the government at home, in the weakness, the want of energy, and the insufficiency of the Court of Directors. These mischiefs flowed from a simple cause, the error lay in the very formation of the constitution of the Company; by a strange concurrence of circumstances, a body of merchants had been changed into sovereigns; a counting-house had ~~been~~ converted into a council table, that was the evil; till that was remedied, all reformation was in vain. The constitution of the India Company reversed the plainest principle of government. The executive government of a large country, of a populous empire, was lodged in a popular assembly. The Proprietors were the executive Governors of the Company; or if that would be denied, the Directors were in a situation little different; they carried with them all the evils of popular assemblies entrusted with executive power, uncertain in their deliberation, fluctuating in their councils, and every executive act under the direction of a large assembly, composed in a great measure of those very servants whom the Directors were to govern.

But this was not all, the government of India lay in the hands of a body of men not responsible

for the execution of their trust. How and to whom was a Director responsible? How could he be called to account responsible to those who he was to controul? What punishment could be put upon him, he was in to day, he was out to-morrow; and lest it should be possible to lay hold of him, by some small share of responsibility, the very constitution had precluded the idea, it had shut the door against every means of reaching them; their votes were in secret by ballot; it was strange, but it was no less true, that in the executive government of India, it was impossible to know any man's opinion, what principles he supported, or to what measures he gave his assent. Ballot took away every responsibility; but these were not the only defects; the constitution, by the rotation established in 1773, contained in it a fixed principle of change and situation; it constantly varied and was in a state of perpetual change. How often did it happen that orders were sent to India, to day they were disregarded by the servants there, because they were sure that before the news of their disobedience arrived in England, the direction would be changed, six of their enemies would be out and six of their friends in the Direction, and then their disobedience would be attended with impunity. These were not imaginary and theoretical evils, they had produced every effect that was to be expected from a weak, fluctuating,

ating, irresponsible executive power lodged in the hands of a multitude. It was because these were the evils, that he preferred the Bill before the House, to the one produced last year that went to regulation abroad; the evil he conceived lay at home, and unless the remedy was applied where the disease was, all regulation was in vain; there might be much good in the other, but he could not expect much good from it, unless it was accompanied with regulations at home.

He stated, that he should not take up much time upon the subject of violation of charters; on all hands it was admitted that these might be violated, if the violation was commensurate with the necessity, then the degree of the necessity was the only question. If he was right in pointing out where the evil lay, then nothing short of the present bill would do good. If the disease lay in the Constitution at home, the Constitution at home must be changed. But gentlemen called for proofs of the necessity; look at the Government of the India Company in any possible point of view, and every thing is justified. If you look at them in a pecuniary point of view, you find them with five millions of revenue, coming to your Bar three times in fifteen years, begging for loans to save them from bankruptcy. If you look upon them as politicians, you find they have broken every treaty they ever made; they have forfeited

every engagement they ever entered into. If you look to their operations as sovereigns, you find them at once tearing up the title to the estates of every man in Bengal, by their orders, to let the lands to the highest bidder; and yet, more strange, look at them in a commercial point of view, and find that before they got the Dewanne of Bengal, they traded on a small capital, and gained on the Bengal trade near 200,000. per ann. that now, when the country was their own, and the revenues their own, they traded at an annual loss of near the same sum. With such an outline of their conduct and constitution, was it possible to contend that such a government ought to continue? Much had been said of the influence of the Crown: the difficulty he felt in arguing upon that subject, arose from the strange inconsistency in the arguments used by the opposers of the Bill; one part of them were zealous and violent in asserting that this Bill diminished the influence of the Crown, while the other were equally positive that the influence of the Crown was increased to an exorbitant degree by it; with arguments so contradictory it was impossible to grapple. The only answer he should make, was, that the truth probably lay between the two, The influence would not be considerably increased, but an open responsible one would be substituted for a covered and concealed one; for his part he  
had

had no such terrors as some gentlemen had for the influence of the Crown ; he had no scruple to say, that had he been in the House at the time of the vote on that subject, he should have opposed it. But that vote even could mean no more, than that the influence of the Crown was greater than was necessary for the good government of the country. If the situation of the country and the happiness of millions rendered it necessary to give influence to the Crown, in order to govern the countries that Providence had put under our authority, he for one had no objections to do it. It was absurd to say we will allow anarchy and tyranny to remain, we will let India be in a state of desolation and all this, because we are afraid to increase the influence of the Crown. If it is impossible to govern India consistently with the safety of the country, in God's name abandon it ; but it is more wise, more manly, to say at once, we have no fears to delegate to the Crown. Every necessary influence to govern this and that country ; and that, for the happiness of both. if that influence be dangerous, guard against it ; but leave not millions in misery, because you are afraid to trust the Crown with the necessary powers of government. He concluded with giving his hearty assent to the Bill, as the only plan that met the evil, and promised to restore,

the

the credit of the Company, and the happiness of India,

Sir Richard Hill, Sir Richard Hill said, that having delivered his sentiments on the Bill upon a former occasion, he had no intention of saying any thing more on that day: but some fresh matter having occurred, and wishing to make a motion before he sat down, he should beg the patience of the House for a short while. He was never *long-winded*, as the House knew. *Multum in parvo* was the maxim he wished to follow; and if unhappily he failed in that, he would be careful to avoid the *nihil in multo*. But, besides that new objections had occurred on the Bill, he should feel a satisfaction that he had opposed it as long as he had an opportunity; and yet, he declared, he was more fearful of the pernicious tendency and consequences of the Bill than even of the Bill itself.

He was apprehensive, lest from so successful an attack upon the fortifications, the citadel itself should soon be forced to surrender upon terms not the most honourable to the nation. To be plain, he thought the Bill was founded on principles of the most flagrant injustice, and that it gave a stab to the vitals of the English constitution; and when he considered who it was that gave the wound he was ready to cry out, *et tu Brute!* or, to change classical for scriptural ground, he could not help calling to mind the conduct of Joab to

Amas

Amasa, when he took him by the beard with one hand, whilst with the other he thrust a dagger into his heart. The sacred penman added, “*But Amasa was not aware of the sword in Joab’s hand.*” Sir Richard said, that after an Honourable Gentleman, who had lately spoke, had produced so much scripture, he hoped he should be pardoned for having quoted a few sentences from that excellent old book called the Bible, and thought it was no bad wish to the House, that they might be better acquainted with it both in theory and practice. He wished not to bring accusations against any man; but he ventured to appeal to every member in that assembly, whether, if the Bill had been brought in by any administration whereof the Right Honourable Secretary of the Whig department did not make a part, he would not before this time have been calling out for impeachments, axes, and halters, and whether he would not have made Westminster Hall, Covent Garden, the Shakespeare tavern, and above all, the walls of that House, to ring and echo with the danger of that power which he himself was now about to put into the Ministers. But who was now the Minister?

—*Oh! tempora mutantur, &c. &c. &c.*

Sir Richard said, that for him to offer a gift to one who had the whole patronage of the East at his command, and who by this bill was made greater, not than this or that Nabob, but than all the

the oriental Nabobs together, would be presumption indeed ; but if the Right Honourable Secretary would accept so small a boon as a new motto at his hands, it should be the following : *Non sum qualis eram* ; for he was sure that neither *faire sans dire*, nor *dire sans faire*, were at all applicable to the Right Honourable Gentleman in the present instance, as he prevailed as well in the *loquendo* as in the *agendo* ; so that in time, both Ajax and Ulysses were united. And that it might ever be said of him as it was of the divine Poet Milton

— “ Since Nature could no further go,  
“ To make a third, she join'd the other two.”

But if, as a worthy gentleman had hinted, in a former debate, the Right Honourable Secretary should indeed lose the name of *the Man of the People*, he thought the sixteen new Directors and their subs might properly assume that of *the People of the Man*.

He did not wish to tire the House with a second dissertation on optics, but he could not help mentioning a circumstance which struck him a few days ago as he was walking along. Passing by a mathematical instrument shop, he saw the picture of a distorted visage, which he could hardly make out ; he thought, however, it might represent *Britannia weeping*. He had the curiosity to step into the shop, and examine it through another glass, when, to his surprize, he found it to be a laughing

*laughing well.* He thought with himself, that whilst Britannia weeps those will *laugh that win.*

He did not deny but some remedy was wanting for the disorders which prevailed in our India affairs ; but he thought *corrections* and *alterations* should be tried before *amputation* had been so suddenly determined on ; and he much questioned, whether *prescriptions* of the Right Honourable Galen, and his dearly beloved brother, Doctor Sangrado, would be efficacious towards a *cure* ; though he doubted not, both the one and the other would pocket some *good fees* for their *nauseous draught*, which was soon expected to operate by a most violent *evacuation* on the whole Court of Directors. Besides, it was agreed on all hands (he spoke with submission of the faculty) that where seven physicians and nine apothecaries were called in, as a worthy member of that House had before stiled the new Directors and their *Subs*, the death of the patient was at hand. He meant not at all to reflect on the Right Hon Secretary's *Congee d'Elire*, much less on the Directors who were nominated by virtue of that *Congee d'Elire* ; on the contrary, if the bill *must* pass, he congratulated the House on the choice, as he knew there were among them men of integrity, men of sense, and men of business. He should, however, be impatient to hear how the noble Lord at the head of the new Direction Board, would reconcile this

bill with his protest against a similiar one. In the year 1773, as he thought, that if the noble Lord protested against that, he must *soothe* against this.

Sir Richard then said, he must beg to take a leap back to the title of the bill, which sets forth, that it is “*A Bill for vesting the affairs of the East-India Company in the hands of certain Commissioners, for the benefit of the Proprietors and the Public.*” Let us now see (said Sir Richard) how this specious title agrees with the real fact.

The parties supposed to be benefited are, the *Public* and the *Proprietors*. But as the Court of Directors begged by their Counsel, that they might be accused, so both the *Public* and the *Proprietors* have intreated, that they might *not* be benefited.

Perhaps they could not form a better judgment of the *benefit*, which the *public* think they are to derive from this bill, than by considering, that the city of London had actually petitioned, that they might be excluded from any of those *benefits*. And with regard to the *vox populi*, or the *public* in general, we could not look without doors, without hearing the bill, and the authors of it, execrated on every side: and this, notwithstanding a tribe of hireling *newspaper* scribblers, endeavoured to gull the world into a belief, that the bill was both *popular* and *salutary*. One Proprietor in particular, as upright as honest,

as

as independent a man as ever dignified a stall in St. Stephen's Chapel; and no man filled it with a better grace, was so fearful of the benefit, which might accrue to his 4000l. India-stock from this bill, that he addressed the House against it, with a feeling and a pathos, which Sir Richard said, he hoped, would have got a dozen votes, that it might not pass.

As therefore the *Title* and the *Bill* were at such irreconcileable variance, that there was no forming a *coalition* between them, (though some gentlemen might think, that as great contrarieties in nature had aforetime *coalesced*) he should beg leave to move, that if the bill passed that House, it might be printed, with the following *amended* title:

" "A bill for most unjustly, violently, and forcibly wresting the affairs of the East-India Company out of the hands of the present twenty-four Directors, and for placing them in the hands of certain new Directors and their Subs. Also for strengthening the influence of his Majesty's present Ministers; and for clearing the way for the total abolition of several useless Charters, yet existing in this kingdom; and for affording a speedy provision for several respectable friends, jobbers, and adherents of his Majesty's present Ministers, which friends, jobbers, and adherents, are now labouring un-

"der the most necessitous circumstances and very  
"importunate to be relieved."

He had only to add, that if the Right Honourable Secretary would consent to this trifling amendment in the Title of the Bill, which he thought quite sufficient to make it perfectly consistent with the principle of the bill itself, that he would not only divide with him that evening upon the question, but should feel the highest satisfaction in making one of his suite, when he carried it up to the Lords Spiritual and Temporal.

*Mr. Adam.* Mr. *Adam* refuted what Mr. *Hill* had said about scribblers, and made a very able speech in defence of the bill, which had more reasoning and argument in it than any speech that has been spoken in support of the bill, except those by Mr. Secretary *Fox*, Mr. *Erskine*, and Sir *Grey Cooper*.

*Lord Mulgrave.* Lord *Mulgrave* opposed the bill, and contended chiefly against it on the ground, that the new powers introduced by the bill, in the form of influence delivered into the keeping of the Minister, threatened the utmost danger to the constitution. His Lordship said, it was agreed by all good writers, that if ever the constitution was ruined, it would be by the introduction of new powers, that did not naturally belong to it. His Lordship pushed his argument so far, as to decide it  
trenched

trenched upon the prerogative so much, as to render it not improbable, that upon similar grounds the Crown might be declared useless. [A cry of Order, Order]. Lord Mulgrave asserted, that he was not out of order, he had a right to urge the extremest possible consequences, in support of his argument. His Lordship said some severe things against Mr. Fox, but declared he did not dislike the coalition, he thought the situation of the country required a junction of talents; he wished their basis however had been broader; that nobody had been proscribed, but that men of abilities from all quarters had been taken in to serve their country, at a moment, when it stood so much in need of great assistance. With regard to Mr. Fox, he ought always to be in power; his superior talents entitled him to such a situation,—at least, he was sensible, that when out of power, he did infinite mischief.

Mr. Powys spoke of the alterations that had been made in the bill in the Committee. He called the seven Directors, the seven primary planets in the new orbit, and the eight assistant Directors, were, he said, the shades of eight of the worthies, swallowed up by the bill. Towards the end of this speech, Mr. Powys, as it were, reproached Mr. Fox, with having sneered at the important independence of gentlemen of a certain description [the country gentlemen]. There was a time,

a time, Mr. Powys said, when the Right Honourable Gentleman's loftiness would condescend to fight side by side with such humble and insignificant individuals as himself, but now he thought himself entitled to spurn at such assistance.

Mr. Secre-  
tary Fox.

Mr. Fox rose, seemingly hurt at this imputation. He said, he had the highest respect for Mr. Powys, knowing him to be as upright, honest, and independent a member as ever sat in that House; but great as his respect for him was, he would not submit to be misrepresented even by him. He never had said, never had meant to say, never had a feeling in his breast, that could have suggested such a sentiment as an avowed contempt for the independent country Gentlemen. He must have been a fool and an ideot, totally unfit to hold his present situation, even for a moment, if he could ever be so absurd as to despise the very supports to which he trusted. It was on the independent country Gentlemen, on such characters, that he placed his reliance. What he had said, and which had been thus curiously misrepresented, was merely this, that much as he respected Gentlemen of a certain description, conscious as he was that by the aggregate of their voices he must stand or fall, he would not have any individual, of any description, so vain of his independence, as to suppose his single vote, given in direct contradiction to the evidence of

of his forces, would decide and govern a question. Having fully explained this, Mr. Fox said, he should not debate the bill at large, because it had already been debated over and over again; he would merely answer a few questions put by an Honourable Gentleman [Mr. W. Grenville] which had been already answered repeatedly. Mr. Fox then explained, why the old system of East-Indian Administration could not be adopted with any possibility of vigour and effect, and why it was more expedient for the Directors to be nominated by Parliament, rather than the Crown. Mr. Fox declared, he would willingly rest the measure, entirely on its popularity, when fully understood, and free from the false colourings that had been so artfully put upon it within those walls.

Mr. W. Pitt endeavoured to bind down Mr. W. Pitt. Fox to the misconception of his meaning, as declared by Mr. Powys. He also went over some of the old ground of objection, that had been so often taken, still urged the fallacy of the Minister's statement of the account of the Company's affairs, and the fairness of the Company's own statement, and pledged himself to move for a Committee to go fully into that matter, that the truth might be ascertained. Mr. Pitt was extremely personal to Mr. Fox.

The Attorney General reprimanded Mr. Pitt for his personality, defended the bill strenuously, and argued

Attorney  
General

argued it on its several grounds, necessity, convenience, and expediency. He declared he was as much an enemy to the influence of the Crown as ever, and said, if the new influence so much complained of in the present bill, had been given to the Crown, he should have been against it. He passed an eulogium on Mr. Pitt, said that he did not care a rush for his office, and that Mr. Arden should have it the next day, if it were not that his holding it were necessary for the support of his Right Honourable Friend. He urged the folly of talking of the sacredness of charted rights, when so great an object depended on their violation, and asked, what was the consideration of a skin of parchment, with a waxed seal at the corner, compared to the happiness of thirty millions of subjects, and the preservation of a mighty empire.

*Mr. Arden.* Mr. Arden retorted on the Attorney General, for his reprehension of Mr. Pitt for personality, and reminded his learned Friend of his having said within those walls, within a very few months past, that the man would seal his own damnation, who should give a vote for a particular question, before the House at that time. Mr. Arden declared, he had given his vote, notwithstanding his learned Friend's anathema, but he did not believe, he had incurred the pernicious predicament alluded to. Mr. Arden told his learned Friend also

also of the strong and pointed language in which he had been used to speak of the Earl of Shelburne. After this Mr. Arden went into a recapitulation of arguments against the bill, and produced an entry of a debate, upon the institution of the militia in former times, to shew how analogous the language about the influence of the Crown, then held by the King's Solicitor, was to that now held on the other side the House.

Mr. Arden talked of the vast effect the new influence might have on Mr. Fox, to whom he was at present ready to subscribe, as a man of unmove'd integrity. He quoted again the two lines cited from Shakespeare's Julius Cæsar by Mr. Scott, and meant to have added the fifteen following, but quoted them rather imperfectly —they are as follow :

— — — — He would be crown'd — —  
 How that might change his nature, there's the question.  
 It is the bright day, that brings forth the adder ;  
 And that craves wary walking : crown him—that—  
 And then I grant we put a sting in him,  
 That at his will he may do danger with.  
 Th' abuse of greatness is, when it disjoins  
 Remorse from Power : and, to speak truth of Cæsar,  
 I have not known when his affections sway'd  
 More than his reason. But 'tis a common proof,  
 That lowliness is young Ambition's ladder;  
 Whereto the climber upward turns his face ;

But when he once attains the upmost round,  
He then unto the ladder turns his back !  
Looks in the clouds, scorning the base degrees  
By which he did ascend : so Cæsar may :  
Then lest he may, prevent.

Mr. Wilberforce opposed the Bill, and attacked Mr. Fox, charging him with having lost the confidence of the country by joining the noble Lord in the blue ribband. Mr. Wilberforce concluded his speech with a quotation from Milton ; that passage in which the fallen spirit is addressed.

Mr. Rigby said, he had neither furnished himself with a quotation from Milton, or a quotation from Shakespeare, which he had not expected to have met with in that day's debate ; nor what was more extraordinary, had he expected to have met with a quotation from Scripture through the mouth of a lawyer ; but yet he had furnished himself with a few arguments in defence of the Bill. Mr. Rigby then, in his usual, plain, manly, common sense mode of reasoning, proved that the Bill was every way justifiable. He said he had been on a Committee of East India Enquiry, so long ago as the year 1772 ; that at that time they saw enough to make them shudder, and that a Bill of Regulation was brought in and passed the next year. He declared he was a little surprised how those, who supported that Bill, could have the inconsistency to oppose this. With regard

gard to all that had been said about Chartered Rights, and Confiscation of Property, it might serve for the moment; but men in their sober senses must regard it as a mere bugbear, to frighten children. The Charter of the Company was violated in 1773, and so it must be again, or all pretence to a reform must be abandoned. Mr. Rigby declared, he had rather have wished the new influence which he acknowledged must indispensably be created, had been given to the Crown, but he was persuaded it was safe, where it was to be lodged, and he assigned various reasons for entertaining this sentiment.

Mr. Jenkinson started his old objections of the Bill's creating a new executive government within the Realm, independent of the Crown. He also, reminded the House, that the Bill would load this country with all the Debts that now were or might become due in the East.

Mr. Dundas rose to rescue his Bill of the last year from the charge alledged against it, of giving Earl Cornwallis despotic power, because the Crown had, under that Bill, a power of recall at its pleasure. Mr. Dundas said, the Bill had brought him up 400 miles, as well as the Hon. General over the way, but he came determined to oppose it as highly unconstitutional; having said this, he went over his observations of last

week again, and insisted upon it that the appointment of a Secretary of State for the East-Indies would have been more eligible.

Mr. Sheridan.

Mr. Sheridan in an animated and pointed speech, replied to the Lord Advocate, went through the principal parts of his Bill of last year with him, and proved that the despotism it cloathed Lord Cornwallis with, was so plain and palpable, that he declared, he wondered how the learned gentleman could keep his countenance, when he seriously insisted upon it, that his Bill was not equally dangerous in point of creating influence and arbitrary power, and in regard to invasion of Chartered Rights, with that of his Right Honourable Friend. It was in fact, Mr. Sheridan said, ten times more so, and that if it had not been so late an hour of the night, he would then have proceeded to prove it was so. This serious part of his argument over, Mr. Sheridan came to the more pleasant part, and took up the several quotations of Mr. Wilberforce, Mr. Arden and Mr. Scott, foiling them each with their own weapons, and citing with the most happy ease and correctness, passages from almost the same pages that controverted their quotation, and told strongly for the Bill. He quoted three more verses from the Revelations, by which he metamorphosed the beast with seven heads with crowns on them, in-

to seven Angels, cloathed in pure and white linen,  
One side of the House were extremely entertain-  
ed with the turns Mr. Sheridan gave what he  
quoted.

Sir *George Howard* said, he should vote against  
the Bill, but declared, as he was a man of honour,  
from no other motive, than from not being able  
to reconcile himself to the principle of the Bill.

Sir *Cecil Wray* observed, that he had been many  
years in Parliament, and had seen many bad mea-  
sures, yet that all those together had not im-  
pressed his mind with the horror that the present  
measure did ; he therefore thought he could not  
answer it to his constituents, and the public, if he  
did not make his full and open protest against a  
measure the most despotic to the chartered rights  
of the company, and subversive of the constitu-  
tion by such an inundation of corrupt influence,  
as it must necessarily produce,

Much, he said, had been mentioned of deser-  
ters from party—probably he was ranked amongst  
those deserters—he had indeed left the party, and  
gloried in having done so, but it was because the  
party had deserted from its principles.

He observed, that he had often fought under  
their banners, in defence of the chartered rights of  
people—by their arguments he had opposed the  
violation of the Boston charter.—he had also  
in

Sir *George Howard*

Sir *Cecil Wray*

in 1773 done the same in the attack on the India Company, and thought it hard, that he shoud be called on by those very men to give his assent to the present Bill, founded on exactly the same principles, as that to which, on their arguments, he had given his dissent to.

Have I in this (says he) deserted my party, or has the party deserted its principles ?

He then instanced the influence he had been called on to state—this had been done by voting contractors out of the House—by annihilating the board of trade—board of green cloth, and other places which the bills of reform (futile enough) had so ostentatiously effected—but here he was called on to re-establish a board of trade—to let in a shoal of contractors of the worst kind, because the contracts they should make were not recognizable by Parliament—and in short to give so extensive a patronage to the Minister, that all future efforts to stem the arbitrary acts of power in Parliament would be quite impracticable, and the attempt ridiculous.—Have I in this (says he) deserted my party, or has the party deserted its principles ?

He had had hopes that the Bill would be stopped in the other House, when he saw it brought in by one, and to be executed by another, whose projects, on a former occasion, had been so pointed against

against its principles—one hope he had left—his Majesty, from his paternal care of his people's liberties and properties, might still effect it—one prerogative of the Crown; still remained indisputable—its negative.—This he sincerely hoped, and would join with any persons in beseeching. I will conclude (says he) with the words of an author, when arguments are decisive on the other side of the House—“ The existence of the King's negative—an indisputed prerogative, which extends to all cases whatsoever,—may be the means of preserving the Constitution itself, on an occasion worthy of bringing it forth.”—This, Sir, is that occasion—the liberties and properties of the people.—The existence of the Constitution demand it.—But should his Majesty give his assent, so much shall I think the ruin to be compleat, that though I shall ever think it my duty to obey the instructions of my constituents, yet, when left to myself, I shall sometimes come down to debate a turnpike bill, but shall scarcely take the trouble to give any further ineffectual opposition, till the people, a roused from their present lethargy, shall find it necessary to apply a decisive remedy.

The House growing extremely clamorous, and calling for the question so vociferously, that Sir *Watkin Lewes*, who was upon his legs, could scarcely

scarcely be heard, *Alderman Townsend* rose, and spoke to Order. He called upon the Speaker to enforce regularity, and declared, if he had not authority enough to keep the Assembly in order, so that every Member might be heard, that House would be a mob, and not a parliament.

The SPEAKER rose to desire the House would be orderly, and declared, that if gentlemen imagined by creating a confusion and clamouring for the Question, they would shorten the debate, his long experience in Parliament, and his acquaintance with the effect such endeavours generally produce, enabled him to assure them, that they took the most unlikely way in the world to attain their end.

*Sir Watkin.* Sir *Watkin* was then heard for a few moments distinctly, but the cry for the question becoming again prevalent, Mr. *Alderman Townsend* once more rose up to insist on Order. He said the Question was one of the most important to the state that ever came under their cognizance, and that the mode of endeavouring to smother it, was worthy of the measure, but that the purpose of the other side of the House, should not be answered that way, for he would sit there till that day fortnight, sooner than submit to such an attempt to defeat discussion. He added, that several very respectable gentlemen wished to offer their

their opinions upon the Bill, and they ought to be heard.

Sir *Washin* then proceeded to state his objections to the Bill, and declared, that his Constituents in Common Hall assembled, had instructed him to oppose it. He should not therefore discharge his duty to them, if he did not give his negative to the motion for reading it a third time.

Mr. *Alderman Townsend* himself opposed it very strenuously. He contended that since the Bill came into the House, the grounds of it had been shifted repeatedly. That one day it was the Bankruptcy of the East-India Company, another day it was their temporary distress, another day again it was something else, and thus the ground was taken and abandoned, changed and changed again; now here, now there; at one time in sight, at another behind the hedge, till at last it was not to be traced any where. It was said, that the East-India Company owed Government money, and therefore their Charter was to be seized on; was that a sufficient plea? Had not Government abundantly more than the value of the debt under lock and key? Would not a pawn-broker lend the money the Company owed and wanted, on the same or a worse security? Who was it prayed for the interference of Parliament,

Mr. Alderman Townsend

ment, the Proprietors of East-India Stock ? No. They desired no aid on such conditions. Was it the Creditors of the Company ? No. They had much rather leave their security in the hands of the Company. Upon these questions he built several arguments against the Bill, and ridiculed the idea of breaking through a Charter so wantonly, declaring, that if the present Bill passed, he should not wonder to see a proposition brought forward next year to put the Crown in commission, for a commission of that sort would not be more unconstitutional than the other. The Alderman was extremely severe on the Attorney General for having talked lightly about Charters, and said, that a piece of Parchment was not to be regarded, as a matter the more sacred, merely because it had a large Seal hanging to it, in cases where State necessity required that it should be abrogated. Such language, he said, from a Law Officer of the Crown, was to the last degree alarming. To what source of security were they to look, if Charters solemnly granted and ratified were to be thus treated, and by his Majesty's Attorney General. He also took notice of the Lords Protests, declaring, that the *superior* House of Parliament had recorded their opinion of all such Bills as the present.

He was called to order for using the word *superior*,

*perior*, and informed from the Chair, that it was extremely disorderly for any Member of that House to state either of the three branches of the Legislature as superior to the others. Upon this he resumed his argument, and said, he only meant to speak his opinion of the privileges enjoyed by the other House, of recording their sentiments upon any measure to posterity, and declared, that calling the Protests of the Lords on the Bill of 1773, political libels, was in his mind a very indecent presumption.

Alderman *Sawbridge* said, he had given two votes in support of the Bill, because <sup>Mr. Alder-</sup> ~~he~~ in his <sup>min</sup> ~~his~~ <sup>Saw-</sup> ~~bridge~~ conscience approved of the measure; he had since been instructed by his constituents to oppose it, and as he always thought it his duty to obey their instructions, he should do it in this instance, and vote in a manner different from that in which he had before voted. As his constituents however had not at the same time furnished him with any arguments against the Bill, or thrown any new lights upon it, so as to induce him to alter his opinion of it, he should say nothing in its favour. A silent vote therefore was all that could be expected of him, and that he should, in obedience to the instructions of his constituents, certainly give against it being read a third time.

The cry of *Question! Question!* was now again

*Sir Thomas Herriges.* extremely loud, when *Sir Thomas Herriges* rose and begged to be heard, as he wished to state a few reasons for the vote he meant to give. Sir Thomas said, his reasons were four-fold. 1st, He would state them as a Proprietor of India Stock, and what was more unfortunate for him, as an old Proprietor. Next, as a merchant; and, last of all, as a politician, for every man in this country was, and had a right, to be a politician. Sir Thomas then stated, that he had bought India Stock in 1772, and appealed to the noble Lord in the Blue Ribband, whether he had not at that time been particularly engag'd in the concerns of the Company. From this, he proceeded to complain of the ill constituted Administration of the Company's affairs, as it had stood hitherto, and was going much at large into that consideration, when the House again loudly expressing their impatience for the question, Sir Thomas said, though he had not near done, he would sit down to gratify their desire to end the debate.

The Speaker was proceeding to put the question, when

*Sir Robert Smyth* rose, and had the good fortune to obtain the attention of the House, upon his declaring that he would take up but a few moments of their time. Sir Robert then went into a statement of his reasons for disapproving of the Bill. Among others, he declared that the destroying the Charter of

of the East India Company, and abolishing the Court of Directors, upon the alledged delinquency of some of the Company's servants abroad, struck him to be full as preposterous a measure, as if that House, instead of a late expulsion of one of their Members, had proceeded to disfranchise the borough of Heydon, on account of the criminal conduct of its representative. Sir Robert added a variety of arguments, to justify his opposition to the Bill; but finding the impatience of the House for the question to encrease, he closed his speech, with some emphatical expressions of the consequences of the Bill, and of the disgrace it would entail on the Right Honourable Secretary who introduced it, and on that House, for having blindly adopted it.

The Speaker was again proceeding to put the Question, and the gallery was actually cleared of strangers, when

Mr. Flood rose, and in compliment to him as a Mr. Flood, new Member, and as a speaker of great expectation, profound silence obtained directly, and he was listened to for a considerable time with the utmost attention. Mr. Flood began with apologizing for venturing, totally unacquainted as he was, with the subject of India concerns, not having read the reports of the table, and knowing no more of their contents than he had heard at a distance, to deliver any opinion upon a Bill so

so important as that under consideration. He thought it, however, an indispensable act of Parliamentary duty to say something upon the occasion, and when he did so, he begged the House to give him credit for speaking his sentiments impartially. He was connected with no party, and equally unacquainted with Administration or Opposition though he entertained the most profound respect and veneration for many gentlemen on both sides of the House, whose characters were justly entitled to his esteem, as they had long since obtained the esteem of the public. He declared, he had anxiously desired to be present before a measure of such a magnitude had entirely passed that House, and when he assured the Speaker that he had been in the Irish House of Commons, in Dublin, on Wednesday last, he trusted, that it would be admitted, that he had been as expeditious as possible in order by that time to reach the House in which he had the honour to stand. After more introductory matter, Mr. Flood went into a series of general remarks on the bill under consideration. He said, it could not be expected, after his acknowledged want of acquaintance with the subject, that he should enter into the particulars of the system proposed by the bill, for the future government of India. He thought, however, that a measure of such serious importance, ought not on any account to be precipitated,

tated, for fear, that instead of proving an adequate remedy, it should tend to increase the grievance it was professed to be intended to cure. He urged the novelty of the plan, the great and extensive operation of it, and the violent effects it would necessarily produce, in support of this assertion. Chartered rights ought undoubtedly to be held sacred, and never to be meddled with, but on the most urgent and pressing necessity. By what he had learnt in the course of the day, the confusion in the East-India Company's affairs began with the interposition of Parliament. The bill of 1773 was intended as a regulation of the Company, and that bill appeared to have been the cause of much disorder and distress. Ought not the House therefore, having before its eyes the evils occasioned by having once interposed, to take warning and avoid the still greater evils that might follow their interposing again. Charters, he repeated it, ought to be held sacred; they might be regulated, but they ought not to be demolished. It was a rule with him to treat public bodies with respect, and especially great Companies, who had abundant merit, and had done their country several essential services. It had, however, been said, that necessity justifies the demolition of the Company's charter, in the present instance. That necessity nevertheless, yet remained to be proved. The exercise of power ought

ought always to be governed by discretion, by what the lawyers called a *sound* discretion. It was neither decent nor wise to proceed to disfranchise the East-India Company, and to assume the direction and government of their territorial acquisitions with precipitation. He had always been accustomed to hear a great character of Mr. Hastings, and to consider him as a man of a good heart, a sound understanding, and as a man not addicted to rapacity. A plan therefore, that went to dispossess Mr. Hastings of the Governor-Generalship of India, did not come recommended to him in the strongest manner. The bill seemed also to be questionable on other grounds. It was to continue for four years. Did the Right Honourable Secretary intend to make the system permanent, or was it to last no longer than the four years? Before a new system was adopted, and that such as was declared by many persons not to be constitutional, the House ought to be pretty certain, that it would answer the end proposed. Could the Right Honourable Secretary say, that at four years end it would have done any good? If he could not, he had better not try the experiment, notwithstanding the large majority at his back. Having put this question strongly, Mr. Flood touched upon several parts of the bill. He said, it struck him, as either conveying a great additional influence to the

Crown,

Crown, or lodging influence in hands where it would be more dangerous, in proportion as it was more unconstitutional. With regard to the sixteen Directors, who were to manage the Company's affairs in future, he made no scruple to say, he had every possible good opinion of their integrity, and the other parts of their character; but were they attentive of business, men conversant in the affairs of India, and then likely to conduct the concerns of the Company in a better manner than the Directors had done hitherto? The nine assistant Directors had all been, he understood, formerly employed in the business of the Company, and two of the seven Directors had been in that capacity likewise, but the other five had not. This therefore did not appear to him as a passage of the business of the Company being likely to be better carried on in future, than it had been. And why take the management of their affairs out of the Company's hands? Property, was universally admitted to be the best ground of legislation. Hence the Company were entitled to legislate their own concerns, because they would undoubtedly legislate them best. The commissioners authorised by the bill he compared to the Roman Decemviri, and shewed how fatal the establishment of those Decemviri had proved to Rome. He expatiated on the danger of so far weakening the prerogative or influence of the

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Crown, as to set up an aristocracy sufficiently powerful to keep the Crown in subjection. He said, he feared the Board of Seven was to be like the Board of Admiralty or the Board of Treasury, or the Board of Trade, where one man was to have all the power, and the rest of the Directors to be but cyphers. He observed, that by the bill, three of the Directors were to act for the whole body in the absence of the rest; a circumstance which tended to confirm him in the suspicion he had just hinted at. Now, though this arrangement might not be improper in such a board as that of trade, or where the first person in the commission was the only effective and responsible officer in reality, and the objects of which were not so extraordinary, as the objects of the present commission; yet, surely in a case of such marvellous and pressing importance as this—in a case sufficient to ~~suspend~~ all the rights of property, of charters, and of the constitution, it might have been expected, that no number less than four, that is, that a majority of the whole should have been enabled to act. It is true, it might be said, that this would impose the great hardship of constant attendance on five young men of fashion, who were of the new direction, who could not forego their country seats, and their usual pleasures.—But what did this prove? That such persons ought not to be permitted.

What

What did it further prove? That when they left town, or failed to attend, the whole of this mighty business must be transacted by three, of which, in general, the two members of the old direction being the most likely to attend, would be the majority, and would consequently determine every thing; in which case, this boasted new direction would only establish the authority and the counsels of two members of the old direction. And indeed, it was somewhat singular, and expressive of the nature of the plan, that of sixteen persons, to whom all the rights of the Company, and of the Proprietors, were to be thus violently transferred, eleven were chosen out of the persons who had been hitherto employed in the business of the Company, which business was now alledged to have been so criminally conducted, as to authorize this most extraordinary and penal Act of Parliament against the Company. From what then were we to expect so great an alteration of counsels as to justify this innovation? Was it from the addition of five young men of fashion as directors, who notoriously had never been peculiarly conversant in Indian or in commercial affairs, and to whom, for that very reason, two of the old directors were joined, from the necessity of the case.

After a variety of remarks, delivered with great correctness of phrase, but in a more deliberate and

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sententious way, than is much the custom of our Parliamentary speakers, Mr. Flood concluded with more apologies for having presumed to say so much; and declaring, that under all the circumstances of the case, he could not think of voting for the third reading of the Bill.

Mr. Courtenay said, he was affected beyond measure, when the Honourable Gentleman rose up to speak,—as he had often admired the astonishing effects of his rapid and impetuous eloquence. Like Felix, when Paul preached, he trembled and was apprehensive, the Honourable Gentleman would have persuaded him to give his vote in opposition to the Bill, notwithstanding his determination to the contrary. But his terrors soon subsided, when the Honourable Gentleman candidly declared he knew nothing of the important subject of debate; and indeed he proved the sincerity of his professions by the ~~view~~ <sup>jet</sup> of his argument. The Honourable Gentleman owned, that he had been in the Irish House of Commons last Wednesday, displaying (no doubt) his elocution in his usual manner, and receiving the applauses of his astonished audience;—He had then crossed the seas, and inmountains with precipitation, took his seat, confessed his ignorance of the subject, and then accused the House of precipitation for having pushed

pushed in a Bill to the third reading, rashly, unconstitutionally, and unadvisedly, after a fortnight's debate, when every possible argument on both sides of the question had been discussed with all the acumen, subtilty, and abilities of that House: but as the Honourable Gentleman studiously avoided entering into particulars, he displayed his political sagacity by general aphorisms; and they derived consolation and improvement by hearing truths (which no man could dispute, and which they heard every day) solemnly sanctioned by so great and respectable an authority.

The Honourable Gentleman had said, and truly said, the House should proceed with discretion, otherwise they could not act discretely: but as the word *discretion* might not have all the desired effect, he had added *sound* discretion, which epithet no doubt gave it—a legal and wonderful Parliamentary grace and dignity. After this exordium, Mr. Courtenay said he expected to have heard some reasons to prove the House had not proceeded with discretion, with sound discretion. But the Honourable Gentleman had not chose to gratify his curiosity. However he begged leave to return him thanks, for not overpowering him by the solidity of his arguments, and enchanting him by the brilliancy of his imagination;

gination ; for if the Honourable Gentleman had exhibited his former blandishing powers of persuasion, he might (considering his peculiar admiration of the Honourable Gentleman, aided by his partiality to his countryman) have exhibited an extraordinary instance of inconsistency, by surrendering to the oratory of the Hon. Gentleman, though he had intrepidly held out against the graceful and elegant elocution of one Right Honourable Gentleman, and the energy and logic of another, whose eloquence murmured along, both with the rapidity and clearness of the river Tweed. The Honourable Gentleman had also boasted of his being independent, and connected with no party. Mr. Courtenay observed, he was not acquainted with the Honourable Gentleman's political connections : He gave his own definition of the word *independent*. For instance, whenever he heard a Member of that House speak without any knowledge of the subject ; without any previous information of facts, and without ~~any~~... found or solid argument, he denominated such a gentleman an *independent* Member of Parliament —as he certainly spoke *independent* of points and circumstances, which shackle and confine other Members of a more abject and less enterprizing spirit ; at the same time he must observe, that the Hon. Gentleman was not singular in that respect ;

spect; for since he had the honour of a seat in that House, he had heard many British Senators express their sentiments in the same *independent* manner. The Hon. Gentleman had also been pleased to enter into a strict scrutiny and examination of the powers vested in the seven Directors or Commissioners, and attempted to shew the inconsistency and absurdity of those powers, by logically stating, that seven, divided into two arithmetical parts—one of three, the other of four; which two numbers added together made up the number seven. Now, says the Hon. Gentleman, the number four is more than the number three; yet three makes a quorum, consequently the smaller number govern the greater; and by this incongruous system the Minority governs the majority. How this applied to the present Bill, Mr. Courtenay declared he could not comprehend; but doubting his own apprehension rather than suspecting the want of perspicuity in the Honourable Member, he had asked several Gentlemen who sat near him to expound this riddle, but they also equally confessed their ignorance. He therefore entreated the Hon. Gentleman not to let the House burst in ignorance, but illumine this opaque political point, with the splendor of his genius. The Honourable Gentleman had also with profound learning

and

and ingenuity alluded to the celebrated and un-  
hackneyed story of the Decemvirs ; and seemed  
fearful, lest some of the young Directors should,  
like Appius, commit a rape on Virginia ; or to  
speak a more constitutional language, violate the  
purity of that immaculate House ; but he was  
under no such apprehension, as the debates of that  
night, had convinced him, that we had our Bri-  
tish Cassii, our Tribonii, and our Bruni, who with  
indignant spirits, and manly exertions, would  
avenge the cause of their injured country. Mr.  
Courtenay concluded, by apologizing to the  
House for taking up so much of their time ; no-  
thing but deference and respect to the Honourable  
Member, could have induced him to trouble them  
at that late hour. He thought himself parti-  
cularly called on by the Honourable Gentleman,  
the accommodating eccentricity of whose argu-  
ments seemed so exactly calculated to his capacity.  
He appealed to the House, whether he had not  
given them their full force ; indeed it had ~~not~~  
puzzled him how to answer them, but where to  
find them. He congratulated the House on the  
Honourable Gentleman's declining (for reasons  
he had explained at the begining of his speech,  
viz. his absolute ignorance of the subject) to  
enter into the argument at large on the principle,  
policy and expediency of the Bill. If the Hon.  
Gentleman

Gentleman had done so, he must have followed him, and rung all the changes on legislative and executive power, with which the House had been so edified and entertained.

Mr. Flood said a word or two in explanation and then the House divided.

<i>Ayes</i>	-	-	208
<i>Noes</i>	-	-	102

The Bill was read through, and the names of Stephen Lushington and Jacob Wilkinson, Esqrs. scratched out of the clause nominating the Assistant Directors, at their own requisition, and those of Joseph Sparks and James Moffat, Esqrs. upon motion received, agreed to and engrossed in their stead.

The *Solicitor General* next moved for leave to bring up a short clause, declaring it a public Bill.

Mr. Arden said, he had not the smallest objection, it ought certainly to be so declared, but he wondered not at its having escaped the Honourable Gentleman, since every body had considered the Bill as a private job.

One or two verbal amendments were then proposed, and engrossed, after which the Title of the Bill was altered, and then the Bill passed, and was

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ordered to be carried up to the Lords by Mr. Secretary Fox.

Mr. Alderman Townsend was by accident locked out on the division, and thus a vote was lost to the Minority.

The House rose at FOUR in the morning.

The

The following ACCOUNT has been prepared by the Company's Accountant-General, since the presenting the State of the Company's Affairs at the Bar of the House, and is hereunto subjoined, in order to render this Publication as complete as possible :

An Estimate of the Company's Receipts and Payments, between the 19th November, 1783, and the 1st March, 1784, grounded upon the authentic Account published of the State of the Company's Affairs. In this Estimate, it is supposed on the one hand, that the first Year's unaccepted Bills are to be paid as they fall due; and, on the other, that Government will continue to suspend the Demand for Customs, which now stand suspended; and also the Payment of the remaining £. 100,000 unpaid for Renewal of the Charter, and that the Bonds can be kept in Circulation.

Estimate of Cash for one Year, between the  
 19th November, 1783, and the 1st March,  
 1784.

	To pay.
The old Bonds, long since called in, but not presented for payment, if they should within this period be demanded	<u>£. 11,592</u>
The Dividends and Interest past due, but not demanded, if they should within this period be demanded	<u>149,901</u>
The Bills of Exchange past due, and not presented for payment, if the same should within this period be demanded	<u>36,280</u>
Bills accepted	<u>85,892</u>
Bills not accepted	<u>32,646</u>
Dividend to Proprietors	<u>128,000</u>
The demands for Freight, Goods bought, and every other current demand, supposing the <i>whole</i> to be demanded within this period	<u>458,481</u>
Arrears of the Military and Contingent Fund, supposing the whole to be demanded within this period	<u>4,050</u>
Balance that will remain in Cash the 1st March, 1784	<u>£. 906,842</u>
	<u>1,075,112</u>
	<u>£. 1,981,954</u>

N. B. As the Customs to grow due within this period will not amount to any thing near the amount of Debentures in hand, applicable to the payment thereof, no notice is taken of either within this period.

Estimate of Cash for one Year, between the  
 19th November, 1783, and the 1st March,  
 1784.

In Cash, and to be received.

Money in the Treasury	—	£. 142,794
Bonds in the Treasury to be issued	—	280,575
Goods sold, all conditioned, to be paid within this period, except as below	—	553,258
Goods in warehouse, to be further sold at the present sale, under the same conditions as to time of payment, estimated at	—	£. 1,058,327
Deduct Pepper and China-ware, that will not be paid for till after 1st March	—	53,000
	—	£. 1,005,327

£. 1,981,954

O o 2

Estimate of Cash for one Year, between the  
1st March, 1784, and 1st March, 1785.

	To pay.
Total of the unpostponed customs due for goods arrived	£. 716,392
Bills accepted	552,700
Ditto not accepted	641,322
Bills and Certificates that may be further drawn, estimated at	335,000
Difference between the Interest receivable from Government, and the Interest payable on Annuities, Bonds, and Exchequer Bills, for one year	76,563
A year's Payments, on the Military and Contingent Funds	6,500
A year's Dividend to the Proprietors	256,000
A year's Charges of Merchandise	180,000
Value of Goods and Stores to be exported within this period, estimated at	370,000
*Freight and Demorage, estimated at	900,000
Customs to be paid upon that part of the Company's Goods to be sold this year, which are not yet arrived, the whole of what is due for the goods now in warehouse being included in the above sum of £. 716,392, estimated at	104,000
Customs payable within this period, on goods which may arrive early therein, and not be sold till the following year, estimated at	140,000
Balance that will remain in Cash on the 1st March, 1785	£. 4,278,477
	376,220
	<u>£. 4,654,697</u>

\* *Memorandum.* The sum which may probably become due for Freight and Demorage on all ships which may arrive in this period, is £. 1,209,000, but as the Accounts of Freight take some considerable time in adjusting, the above sum of £. 900,000, is supposed to be as much as may, in the usual course of business, be paid within the period to which this account relates.

Estimate of Cash for one Year, between the  
1st March, 1784, and 1st March, 1785.

	In Cash, and to be received.
1784, 1st March, Cash	<u>£. 1,075,112</u>
Debentures payable in discharge of the Customs on the other side	186,585
For Pepper and China-ware, as deducted in the foregoing Account	53,000
The remainder of the goods in warehouse unfold	<u>£. 2,500,000</u>
Deduct that part of them which is credited in the last Ac- count	<u>1,058,327</u>
	<u>1,441,673</u>
For Goods to be further sold within this period, which must depend upon fu- ture arrivals, but which, upon a me- dium of five years peace, will amount, including charges and profit on pri- vate trade, to	<u>1,898,327</u>
	<u>£. 4,654,697</u>

Estimate of Cash for one Year, between the  
1st March, 1785, and 1st March, 1786.

	To pay.
Bills accepted	£. 205,598
Ditto, not accepted, supposed to be by agreement postponed	£. 775,869
Ditto, that may be drawn from China in 1784, and Certificates at 12 months sight, estimated at	990,000
Difference between Interest receivable and payable, payments on Military Fund, Dividends, Charges, and Exports, as before	889,063
Freight and Demorage, estimated at	900,000
Customs on Company's Goods, estimated at the average of seven years, deducting the sum of £. 140,000 advanced last year. N. B. About 470,000 of further duties are annually paid by the Buyers at the sale, on goods delivered for home consumption	680,000
	£. 3,664,661
Balance that will remain in Cash the 1st March, 1786, over and above the amount of claims for Dividends, &c. due and not demanded, which seldom amount to less than £. 50,000	51,559
	£. 3,716,220

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I. The reason of so large an unexpected draught from China falling due within this period, is, that the ships sent out with troops and stores, could not be loaded home but from China; so that twenty-five Cargoes are expected to be dispatched from China in season 1783; being near three years ordinary consumption. If any effectual means are taken to prevent smuggling tea, the produce of the Company's sales, will, upon a moderate computation, be thereby increased at the rate at least of £. 1,000,000 per annum, more than is in this Estimate reckoned upon; and this extraordinary importation will be ready to meet the effect of such salutary regulation,

Estimate of Cash for one Year, between the  
1st March, 1785, and 1st March, 1786.

In Cash, and to be received.		
1785, March the 1st. Cash	—	— £. 376,220
The produce of a year's Sales, estimated as before	—	— 3,340,000

£. 3,716,220

II. In this Estimate nothing is charged for Bills that may be further drawn from India, because there is reason to hope that, peace having been restored, the Military Establishments will have been reduced, and no more may be drawn, or if drawn, that they will be at dates not falling due till after this period.

III. On the 1st March, 1786, the Goods in warehouse unfolded (supposing the ships to arrive safe) will, by Estimate, amount to £. 4,170,000, discount deducted.

*East-India-House.* Errors excepted,  
the 28th Nov. 1783. SAMUEL NICOLL, Accountant.

*This Day is Published, price 1s. 6d.*

**T**HE EFFECTS to be expected  
from the EAST-INDIA BILL,  
upon the CONSTITUTION of GREAT-  
BRITAIN, if passed into a Law.

By WILLIAM PULTNEY, Esq.

SECOND EDITION, CORRECTED.

TO WHICH IS ADDED,

A POSTCRIPT.

Printed for J. STOCKDALE, opposite Burlington-house,  
Piccadilly.

**A B I L L for the better Government of  
the Territorial Possessions and Depen-  
dencies in I N D I A.**

**W**HÈREAS great disorders have prevailed in the government of the British territorial possessions, and the dependencies thereof, in India ; and the laws and lawful authority of this kingdom have not been duly obeyed by divers of the servants of the United Company of Merchants trading to the East Indies :

For remedy whereof in future, Be it declared and enacted, and it is hereby declared and enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there is not, nor hath been, any privilege, authority, power, pre-eminence, or jurisdiction granted, or meant or intended to be granted, in and by an act of the thirteenth year of the reign of his present Majesty, intituled, " An A&t for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," or in and by any other act or a&ts whatsoever, or in or by any law or usage whatsoever, for the Governor General and Council of Bengal, or either or any of them, collectively or individually, or any other person whatsoever in the service of the said United Company, which doth or shall in any manner exempt him or them, in the exercise of any powers or authorities whatsoever, from a strict and faithful obedience to the orders and directions which have been issued to or for them, from the late or any other Court of Directors, or which shall or may be issued to or for them by the Commissioners named and appointed in and by an act of this

ession of Parliament, to manage and govern the af-  
fairs of the said United Company, instead of the said  
Court of Directors and General Court of Proprietors,  
or such other Commissioners as shall or may be law-  
fully appointed for exercising the powers given them  
in and by the said Act.

And be it further declared and enacted, That all  
general or special orders of the Court of Directors of  
the said United Company, for the regulation of the  
conduct of the Governor General and Council of Ben-  
gal, or of any other President and Council, or of any  
other person or persons, in any other station, office,  
employment, or capacity whatsoever, in the service of  
the said United Company, shall be, and are hereby  
declared to be, the rules by which the persons herein  
before described shall be governed and directed, until  
notice shall be given by the said Commissioners of any  
alteration, revocation, or repeal of them, or any of  
them.

And whereas pretences have been used to evade the  
salutary regulations of the said act of the thirteenth  
year of his Majesty's reign, relative to rules, ordi-  
nances, and regulations, as if the provisions contained  
in the said act, relative thereto, were confined to cer-  
tain forts and factories; whereby a power subject to  
no controul has been exercised throughout the provinces  
of Bengal, Bahar, and Orissa; be it therefore declar-  
ed and enacted, That all rules, ordinances, and regu-  
lations, which by the said act it is made lawful for  
the Governor General and Council of Fort William  
to issue, for the good order and civil government of the  
said settlement, under certain restrictions and provi-  
sions in the said act contained, were not, nor are meant  
or intended to be confined only to such rules, ordi-  
nances, and regulations, as are made or issued for the  
Government of or relative to forts and factories, or  
other subordinate places, in the said settlement only;  
but shall, and all such restrictions and provisions are  
hereby expressly declared to extend, without any ex-  
ception or limitation whatsoever, to all rules, ordi-  
nances,

nances, and regulations, made and issued by the said Governor General and Council of Fort William, in whatever place, or wheresoever, or over whatsoever class or description of persons, the same are to operate.

And be it further enacted by the authority aforesaid, That any such rule, ordinance, or regulation, shall not only be duly registered and published in the Supreme Court of Judicature, but an account or abstract of the true effect and substance thereof, and of every clause and provision thereof, in the Persian and Hindostan languages, shall be registered and published, and affixed up in some commodious and conspicuous place, in each and every provincial Court within the provinces of Bengal, Bahar, and Orissa, or within the territory to which it relates.

And be it enacted by the authority aforesaid, That no delegation whatsoever of the powers of the Governor General and Council of Bengal, or of any President and Council of any other of the said settlements, shall be made or given to the said Governor General or President, or any other person or persons whatsoever: and in case the said Governor General, or any Member of the Council of Bengal, or any President or Member of the Council of any other of the said settlements, or any other person or persons whatsoever, shall be employed in the execution of any special commission, the proceedings thereupon shall not be finally approved and confirmed until a full report of the same shall be made to the said Governor General and Council, or President and Council, respectively; and the person or persons so employed shall, upon the requisition of the Governor General or President, or any Member of the said Council, deliver into Council his documents or vouchers in support of any particular fact or facts alledged by him to have happened in the execution of such commission, and in support of which documents or vouchers might have been had.

And be it further enacted by the authority aforesaid, That all correspondence and communication whatsoever, of or by any resident, agent, or other person employed

ployed at the Court of any native Prince or State, or of or by any such native Prince or State, or any agent or minister of such native Prince or State, or of or by any Chief and Council of any factory or subordinate settlement, or any of them, or of or by any collector of revenue, shall be addressed to the Governor General and Council, or President and Council, respectively; and all correspondence and communication whatsoever of or by any such person or persons, whether addressed to the said Governor General or his Secretary, or to any Member of the Council or his Secretary, shall be laid before the Council, after the same shall be received.

And be it enacted by the authority aforesaid, That the Governor General of Bengal, and President of any other of the said principal settlements in India, may, by his own authority, adjourn or postpone the consideration of any question whatsoever, in the respective Councils in which they preside, for the space of and no longer: Provided always, That such Governor General or President shall not have power to adjourn or postpone the same question more than

And

And be it enacted by the authority aforesaid, That it shall not be lawful for the said Governor General and Council of Bengal to invade, or enter with any armed force, or in any hostile or offensive manner, into the territory of any native, independent Prince or State in India; except upon intelligence, the credibility and importance of which shall be allowed by a majority in Council, and so declared to be, in minutes subscribed by each Member composing such majority, upon the records of the said Council, that such Prince or State is about to attack and make war upon, or actually making preparations to attack and make war upon the territories of the said United Company, or of some of the Princes or States dependent thereupon.

And be it further enacted by the authority aforesaid, That neither the said Governor General and Council of Bengal, nor the President and Council of any other of the said Presidencies or settlements, shall have power to make any offensive alliance whatsoever, for the purpose of dividing or sharing any country or territory whatsoever, between or with the said United Company and any native Prince or State in India, without the express orders and directions, for that purpose, of the Commissioners aforesaid.

And be it further enacted by the authority aforesaid, That the said Governor General and Council of Bengal, or any President and Council of any other of the said Presidencies or settlements, shall not make or enter into any treaty or agreement whatsoever, to hire out to any native Prince or State in India, any part of the British or native troops serving in India under the orders of the said United Company; nor shall make or enter into any new treaty or agreement whatsoever, to or for the keeping up of any body of such troops in any of the countries or territories of any of the independent Princes or States in India.

And be it further enacted by the authority aforesaid, That the said Governor General and Council of Bengal, or any other of the Presidents and Councils of the said Presidencies or settlements in India, shall not appoint

appoint to, or employ in any office, place, or station whatsoever, any person whatsoever, native or British, who hath been or shall be removed from any office, station, or place whatsoever, for any misdemeanor or other offence, without authority for that purpose first had and obtained from the said Commissioners.

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Governor General and Council of Bengal, or any President and Council of any other of the said Presidencies or settlements in India, or any Collector of Revenue, or Chief or other Member of any provincial or subordinate settlement in India, to let or rent any farm of land, or other thing whatsoever, to any Banian, native Steward, or other native servant whatsoever, of any Governor General, President or Member of any Council, Collector of Revenue, or of any officer in the army, or of any Judge in the Supreme Court, or of any civil servant of the said United Company ; and all contracts and agreements made contrary to this act, with any such Banian, native Steward, or native servant, for the purpose of letting or renting any farm of land, or of other thing whatsoever, shall be deemed and taken to be for the account of the principal, or person in whose service such Banian, native Steward, or native servant is ; and such Banian, native Steward, or native servant, shall account to the said United Company for the profits made by such farm of land or other thing ; which profits shall and may be recovered from such principal, or person in whose service such Banian, native Steward, or native servant was, at the time when such contract or agreement was made or entered into.

And be it further enacted by the authority aforesaid, That from and after all monopolies, rights of pre-emption, or preferences, by any authority, or upon any pretence whatsoever, of any commodities or goods in any of the said United Company's settlements in India, shall be, and are hereby declared to be contrary to law, and void.

And

And be it further enacted by the authority aforesaid, That no debt or balance exceeding in consequence of any advance to be made for the making of any manufacture, or for the purchase of materials, by any person making the same, or to any husbandmen or actual cultivator of land, for any raw commodity, shall be recoverable in any Court, or by any action or suit at law, or by any compulsory or other process or means whatsoever, after the space of from the time of making the said advances: And that it shall not be lawful to imprison in any common prison, or in any private house or out-house, any person whatsoever, for or by reason of any such advances, within the said space of or at any time afterwards.

And whereas, in and by the said act of the thirteenth year of the reign of his present Majesty, it is enacted, that every present, gift, gratuity, donation, or reward, accepted, taken, or received, contrary to the true intent and meaning of the said act, shall be deemed and construed to have been received and taken to and for the sole use of the said United Company: And whereas the said provision hath been attended with inconvenience, inasmuch as it has been pretended that the servants of the Company have liberty to take and receive presents, accounting to the said United Company for the same: Be it therefore enacted by the authority aforesaid, That every such present, gift, gratuity, donation, or reward, accepted, taken, or received, if the same shall not be corruptly given, to obtain any place, or other object, to which the person giving the same shall not be entitled, shall be returned or re-delivered to the person giving the same, or his representatives, according to the custom of the country; and such person, or his representatives, shall and may recover the same by any suit, action, or bill, or other mode of proceeding whatsoever in use in the place where such gift, gratuity, donation, or reward, shall be accepted, taken, or received, brought at any time against the person to whom the same was given, or his

his representatives; and if the same was corruptly given, to obtain any place, or other object, in or any way relating to the said United Company's service, then and in that case the person giving shall not be entitled to recover the same, but the same shall be to and for the sole use of the said United Company, as heretofore.

And whereas it may happen, that neither the person giving such present, gift, gratuity, donation, or reward, nor the said United Company, may sue for the same; Be it therefore enacted, That in case the person giving the same, or the said United Company, shall not sue for the same within      months, then the same shall and may be sued for, and recovered, in manner aforesaid, by any person or persons whatsoever, to and for his and their sole use and benefit.

And be it further enacted by the authority aforesaid; That if any person, from and after shall, contrary to the said act of the thirteenth year of the reign of his present Majesty, accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian Princes or Powers, or their Ministers or Agents, or any of the natives of Asia, any present, gift, donation, gratuity, or reward, pecuniary or otherways, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity, or reward, and shall be therefore legally convicted in the Supreme Court at Calcutta, or in the Mayor's Court in any other of the said United Company's settlements, or in any Court of competent jurisdiction to try such offence in this kingdom, such person shall thereupon

And whereas some of the servants of the said United Company have raised the rents paid by landholders to the said United Company, and have farmed out the lands at new rents, by means of which practices several ancient families have been dispossessed of lands long in their occupation, and have been reduced to indigence

indigence and distress. For remedy whereof, Be it enacted and declared by the authority aforesaid, and it is hereby enacted and declared, That all lands and tenements within the provinces of Bengal, Bahar, and Orissa, or in any territories in which the receipt and management of the revenues is or shall be under the immediate administration of the said United Company, or their servants or agents, not in the actual occupation of the said United Company, or by them leased or farmed out, in or immediately before the year shall be deemed and taken to be the estate and inheritance of the native landholders and families who then had and held the same, unless dispossessed by judgment of some competent Court, for some crime or misdemeanour, or non-payment of their rent, and shall be from henceforward enjoyed by them, and their heirs and descendants, according to the custom of the country of or relating to the same, or where the same is had and held, without any molestation, interruption, or disturbance whatsoever, of or by the said United Company, their Governors, Council, Ministers, or servants.

Provided always, That nothing herein contained shall be construed to deprive the said United Company of the rent or tribute which shall be due or payable to them from such native landholders, their families or descendants, for or on account of any such land; or to prevent the said United Company from having or taking any means according to the laws and usages of the said countries, for recovering and obtaining payment of such rent or tribute.

And, for quieting the minds of the said native Princes, and preventing the corrupt practices which may arise from arbitrary alterations of rent or tribute; Be it enacted by the authority aforesaid, That the rent, tribute, service, or payment, paid or agreed to be paid by the said native landholders, in the provinces and territories aforesaid, to the said United Company, in or immediately before the year shall remain and be, and be deemed and taken to be, the fixed and permanent rent, tribute, payment, or service, which

[ B ] shall

shall be payable to the said United Company by the said native landholders, their families, heirs, and descendants ; and that it shall not be lawful for the Governor General and Council of Bengal, or the Governor and Council of any other principal settlement, or the Chief and Council of any subordinate settlement, or any other servant or agent of the said United Company, to alter such rent, tribute, service, or payment, upon any pretence whatsoever, or to exact from or impose upon any such native landholder, his family, heirs, or descendants, any farther or greater rents, tribute, service, or payment, or any other charge than is herein provided.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor General and Council of Bengal to restore, and they are hereby authorized and required to restore, to every native landholder, his heirs or descendants, according to the usage of the country, who shall have been removed, or dispossessed of his land or territory, the actual possession thereof, upon the rent, tribute, service, or payment herein before provided, if such native landholder shall be willing or desirous to reposess his land or territory ; subject, nevertheless, to such farms or leases thereof as shall or may have been made before the

and shall be still existing ; and if such native landholder shall have quitted, or been dispossessed of his land or territory, for or upon condition of receiving any pension or appointment in lieu thereof, and shall prefer such pension or appointment, the same shall, on no account, or upon no pretence, be discontinued, withheld, diminished, or taken away, but shall be regularly paid to such native landholder, his family, heirs or descendants, according as the land or territory was held, and to the terms and stipulations made with such native landholder.

And be it further enacted by the authority aforesaid, That all native Princes and States in India, who, having the management of their own revenues, are engaged, by treaty, or otherwise, to furnish or keep up any body of troops for the defence or service of the

the said United Company, or to pay any tribute or sum of money in lieu thereof, or to keep up or pay any body of English troops, or to pay any tribute or sum of money in lieu thereof, or who pay any tribute or sum of money for the protection of the said United Company, are under the protection of his Majesty, and shall not be disturbed or molested by any of the servants of the said United Company, in the enjoyment of their rights according to the laws and usages of the country.

And whereas some of the servants of the said United Company have heretofore committed unwarrantable acts in and relative to the territories and revenues of the native Princes and States under the said United Company's protection; Be it further enacted by the authority aforesaid, That all and every of the servants of the said United Company, civil and military, shall be, and are hereby declared to be amenable to the said Commissioners appointed to manage the affairs of the said United Company, and in and to all Courts of Justice (both in India and in Great Britain) of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanors, crimes, and offences whatsoever, by them or any of them done or committed in any of the lands or territories of such protected native Princes or States, or against their persons or properties, or the persons or properties of any of their subjects or people, whether the same were committed under pretence of the order of any native protected prince, or otherwise howsoever in the manner as if the same had been done or committed within the territories directly subject to and under the British Government in India.

And be it further enacted by the authority aforesaid, That no civil or military servant in the said United Company's service, or person in the service of his Majesty, shall, by himself, or any agent for him, take upon himself to collect or farm, or be any way concerned, directly or indirectly, in collection or farming of any of the revenues of such protected native Princes or States.

And be it further enacted by the authority aforesaid, That, if any officer, civil or military, of the said United Company, shall invade or make war upon, or enter with an armed force, in a hostile or offensive manner, any of the territories of the native Princes or States in India, not under the protection of his Majesty and the said United Company, without express orders in writing from the Governor General and Council of Bengal, such person, upon conviction thereof, in the Supreme Court of Calcutta, or in any Mayor's Court in any other of the said principal settlements, or in the Court of King's Bench, or in any other Court which shall have jurisdiction to try offences committed in India, shall be

And be it further enacted by the authority aforesaid, That none of the said protected native Princes or States shall have any other native Prince or State dependent upon him or them, any farther or otherwise than as such other native Prince or State shall have stood bound or engaged to such protected native Prince or State on or before the year for the payment of any sum or sums of money, rent or tribute, or for furnishing or supplying some definite quota of troops; which troops shall not be required or called for without the orders of the Governor General and Council of Bengal, or President and Council of some other principal settlement.

And be it further enacted by the authority aforesaid, That the succession of the said protected native Princes shall be directed and disposed of according to the laws of the country, or to such treaties as shall have or contain any stipulation concerning the same; and that such succession shall not be altered or disposed of by will, or in any other manner, contrary to the laws of the country, and the faith of such treaties.

And be it further enacted by the authority aforesaid, that such protected native Princes or States shall not be permitted to rent, or take, or have any farm or lease of any lands whatsoever, of or from the said United Company.

And

And be it further enacted by the authority aforesaid, that no such protected native Prince shall be permitted to reside for more than      in any of the said United Company's settlements, unless, being expell-ed from or driven out of his dominions, he shall take refuge in the said United Company's territories.

And be it enacted by the authority aforesaid, That from and after      it shall not be lawful for any servant, civil or military, of the said United Company, to have or be engaged in the borrowing or lending of any money, or in any money transaction whatsoever, or in the farming of anylands or revenues, or in the buying or selling of any goods or commodities whatsoever, or in any other transaction of commerce or busi-ness whatsoever, with any such protected or other na-tive Prince or State ; and all such transactions, and all contracts and engagements of or relating to the same, are hereby declared      and any person or persons guilty of any such offence, and thereof convicted in the manner herein before last mentioned, shall be

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said protected na-tive Princes or States to remove or dispossess any Ze-mindar, or other native Prince, or landholder, nor to increase his rent or tribute beyond that which was paid by such Zemindar or native Prince in the year      nor to farm any land at any higher or greater rent or tribute than the same was farmed at or for in the said year      nor to resume any Jaghire granted at any time before the year     

And be it further enacted by the authority aforesaid, That all Zemindars, and native Princes and States, who shall have been dispossessed of their lands and ter-ritories by      at any time since      shall be re-stored to the possession and enjoyment of the same.

And be it further enacted by the authority aforesaid, That the Nabob of Arcot, the Rajah of Tanjore, or any other protected native Prince in India, shall not assign, mortgage, or pledge any territory, or land whatsoever, or the produce or revenue thereof, to any

British

British subject whatsoever; neither shall it be lawful to or for any British subject whatsoever to take or receive any such assignment, mortgage, or pledge; and the same are hereby declared and all payments or deliveries of produce or revenue, under any such assignment, shall and may be recovered back by such native Prince paying or delivering the same, from the person or persons receiving the same, or his or their representatives.

And be it enacted by the authority aforesaid, That it shall not be lawful for any British subject whatsoever to have, receive, or take any payment of money, produce, revenue, goods, commodities, or effects whatsoever, of or from any such native protected Prince, or any agent or servant thereof, for or on account of any debt now due, or claimed to be due, from such protected native Prince, except such debts as were consolidated in the year and allowed by the Court of Directors, and by them ordered to be recovered, without proof first made, to the satisfaction of the said Commissioners, or such person or persons as they shall appoint, that such debt was fairly and *bona fide* contracted for money lent, or goods sold and delivered, or in some open and avowed course of trade and commerce, and not as or for a reward for any service done or performed, or intended to be done or performed, by any such British subject, to or for any such protected native Prince, or for any other matter forbidden or prohibited to be made or done by any law or laws now in force, or hereafter to be in force, or by any order or orders of the said United Company, or any order or orders to be made by the said Commissioners appointed to manage the affairs thereof; and an entry, with the nature and particulars of the claim, and of the evidence in support thereof, shall be made in the journal of the said Commissioners, or in the minutes of such person or persons as they shall for those purposes appoint, with the opinion of the said Commissioners, or such person or persons, thereon.

And

And be it further enacted by the authority aforesaid, That all disputes and differences whatsoever, now actually subsisting between the Nabob of Arcot and the Rajah of Tanjore, shall be examined and considered, as soon as may be, by the said Commissioners appointed to manage the affairs of the said United Company; who shall, and they are hereby required, as soon as they shall have sufficiently examined and considered the same, to send and transmit such orders as shall appear to them best calculated for the quiet and final adjustment and termination of such disputes and differences, according to the principles of, and the terms and stipulations contained in the treaty of one thousand seven hundred and sixty-two, between the said Nabob of Arcot and the Rajah of Tanjore, and to the orders and instructions of the Court of Directors given to George Lord Pigot, late Governor of Fort St. George, and to the arrangements made relative to such disputes and differences by the said George Lord Pigot.

And be it further enacted, That the said Commissioners shall, and they are hereby directed and required to send and transmit to the Governor-General and Council of Bengal, or the President and Council of Fort Saint George, or to or by such other person or persons as they shall for that purpose specially nominate and appoint, full and explicit orders and directions, not only to settle and terminate the said differences and disputes, but also to take into consideration and examine the present state of the affairs, revenues, and debts of the said Nabob of Arcot, and of the Rajah of Tanjore; and to enquire into and ascertain the origin, nature, and amount, of all claims whatsoever on them by British subjects; and immediately to make a full report thereupon to the said Commissioners; and to adopt, propose, or suggest such ways or means for the liquidation and settlement of such debts as shall appear to be well founded and contracted *bona fide* (and not by any illicit dealing, or in consequence of any breach or disobedience of the said United Company's orders), and

and for the payment and discharge thereof, by such installments, and at such times, and in such manner, as shall be consistent with justice to the creditors of the said Nabob and Rajah, and to the service of the said United Company, and as shall occasion the least difficulty and inconvenience to the said Nabob and Rajah ; and, as speedily as may be, to make a full report of all their proceedings touching the said matters to the said Commissioners.

And be it further enacted by the authority aforesaid, That all Polygars, which shall or may have been dispossessed or driven out of their lands or territories at any time since the year shall be restored to the possession of the same, and hold the same at and for the same, and no greater, rent or tribute as such Polygars paid, or were liable to pay, on or immediately before

And whereas it is enacted in and by the act of the thirteenth year of the reign of his present Majesty, that the said Governor-General and Council, or the major part of them, shall have power of superintending and controlling the government and management of the Presidencies of Madras, Bombay, and Bencoolen, respectively, so far as that it shall not be lawful for any President and Council of Madras, Bombay, or Bencoolen, for the time being, to make any orders for commencing hostilities, or declaring or making war, against any Indian princes or powers, or for negotiating or concluding any treaty of peace, or other treaty, with any such Indian princes or powers, without the consent and approbation of the said Governor-General and Council first had and obtained (except in the cases of imminent necessity, and of special orders from the said United Company), with power to the said Governor-General and Council to suspend any President and Council offending in any of the cases aforesaid: And whereas great disputes have at different times arisen respecting the extent of the said controlling power given to the said Governor-General and Council, to the embarrassment and injury of the said

said United Company's service; For remedy whereof, Be it enacted and declared, That the said power given to the Governor-General and Council of Fort William, of superintending and controuling the government and management of the Presidencies of Madras, Bombay, and Bencoolen, respectively, doth and shall extend to all negociations and cases whatsoever, which, though they shall not in themselves be the commencement, or orders for the commencement, of hostilities, or the declaring or making war, against any Indian princes or powers, shall nevertheless be of any unwarrantable nature or tendency against such Indian princes or powers, or shall be of a nature or tendency to create dissatisfaction and alarm among any of them, and consequently provoke to bring on and occasion hostilities and war, without directly importing or leading to the same: and in all such cases, the said Governor-General and Council shall have all the powers of suspending given them in and by the said a& of the thirteenth year of the reign of his present Majesty; and shall enter on their minutes of consultation at large the whole nature of the case in which, and the reasons for which they exercise the said powers, and shall transmit the same by the first opportunity to the said Commissioners appointed for the management of the affairs of the said United Company: and if the case in which the said superintending controuling and suspending powers, or any of them, are exercised, be such as creates a reasonable doubt whether the said powers apply to it, the Governments and Presidencies of Madras, Bombay, and Bencoolen, are nevertheless hereby required to submit and yield obedience to the acts of the said Governor-General and Council, and to lay the case before the said Commissioners, for their determination thereof.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Government and Presidency of Bombay, whenever and as often as any war against the said United Company, their possessions or dependencies, shall be actually com-

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menced, or the danger thereof is impending and imminent, in the North-west and Western coasts of India, or in the territories adjoining thereto, and in the neighbourhood thereof, or in any part of the territories of the states of the Maratas, to make and conclude any treaty or terms of peace, truce, or cessation of arms, with any of such Indian princes or states actually at war, or about to make war, or for the amity, assistance, or alliance of any other Indian prince or state, the better to defend the possessions of the said United Company against such war commenced or impending: Provided always, That the said Government and Presidency of Bombay do and shall insert, or cause to be inserted, in all and every such treaty herein before mentioned, a clause or provision that the same shall be null and void, unless it shall be approved and ratified (within a certain reasonable time therein to be named) by the Governor General and Council of Fort William; and the said Government and Presidency shall, and they are hereby required to enter on their minutes of consultation, at full length, the occasion of and necessity for such proceedings, with the reasons upon which they have acted, and the documents or vouchers (if any there shall be) for the facts alledged; and shall transmitt the same from time to time, as they shall arise or happen, and all propositions relative to the same, as they shall be made, to the said Governor General and Council of Fort William, and to the said Commissioners appointed to manage the affairs of the said United Company, respectively; and shall obey and follow, under the pain of suspension, all such orders and directions thereupon as they shall receive from the said Governor General of Fort William, until the same shall be altered or corrected by the said Commissioners.

And be it further enacted by the authority aforesaid, That the Government and Presidency of Madras shall have the like powers and authorities, under the same limitations and restrictions, in case of war against the said United Company, their possessions or dependencies, actually commenced, or the danger thereof impending

ing and imminent, on the coast of Coromandel, from  
to on the coast of Malabar, or in the territories adjoining thereto, and in the neighbourhood thereof.

And be it further enacted by the authority aforesaid, That no Governor General, Governor, or President, Member of Council, or other Officer civil or military, in the service of the said United Company in India, (whether such person shall be actually in the execution of his office in India, or shall be absent therefrom in Great Britain, or in any other place,) or any agent, in Great Britain or India, of any provided or other native Prince in India, shall be capable of being a member of, or of sitting or voting in the House of Commons: Provided, That every such person, actually a member of the House of Commons at the time of passing this act, shall and may sit and vote for and during the remainder of the present Parliament.

And be it further enacted by the authority aforesaid, That no person having been in the civil or military service of the said United Company, and who hath resigned or quitted the same, shall be capable of being elected into, or of sitting or voting in the House of Commons, at any time within after he shall have been returned to and resident in Great Britain, or whilst any proceedings in Parliament, or any other public prosecution, shall be depending against him for any crimes or offences alledged to have been committed by him whilst he was in the said service: Provided always, That such proceedings or public prosecution shall have been commenced before the expiration of the said space of after the return of such person, and shall be finally determined within the space of : . . . after the commencement thereof; otherwise the same shall not operate to disable such person from being elected into, or from sitting or voting in the House of Commons, unless the delay in such proceedings, or public prosecution, shall be at the request, or through the default of the party prosecuted.

And be it further enacted, That all crimes and offences against this act may be prosecuted in the Supreme Court at Calcutta, or in the Mayor's Court in any other of the principal settlements in India, or in the Court of King's Bench, or any other Court in this kingdom, which shall be established for taking cognizance of crimes and offences committed in India; and all the powers and authorities given to the said Court of King's Bench, in and by the said act of the thirteenth year of the reign of his present Majesty, and not herein otherwise provided for, are hereby declared to be extended to all the crimes and offences committed against this act: And in all cases where the punishment is not herein appointed, the Court in which the conviction shall take place, shall appoint such fine or imprisonment, or both, as they shall think proper, provided the fine shall not exceed nor the imprisonment and may, in their discretion, superadd the incapacity of serving the said United Company.

## EAST-INDIA HOUSE,

DECEMBER 5, 1783.

THE Committee of Proprietors appointed by the Votes of the General Court of the 22d of November, 1782, and 21st of November, 1783, "to watch over the Rights of the Company, and maintain their Privileges," deeming it their duty to resist the idea, so industriously propagated, that the Company's want of ready money arises from mismanagement of the Company's affairs, submit to the public the following Extract from the Report of the Court of Directors to the General Court, by which it appears that losses and disappointments, to a far greater amount than the sum wanted, have arisen from the war in Europe, and other circumstances, in which the Company cannot be blameable.

"Having thus stated the Estimates of the Company's Receipts and Payments, by which it appears that a sum equal to that now postponed by Government must be postponed or raised, and that further time must be taken upon the unaccepted Bills, your Court  
of

of Directors think it proper to state some of the principal causes from whence this deficiency has arisen.

“ By the means herein before set forth, the arrivals have been put so much out of their ordinary course, that only thirteen ships arrived in the season 1782, and eleven in the season 1783, whilst forty-five are left to arrive in 1784, beside ten more which are now abroad, and will, as it is supposed, be kept in India so as to arrive in 1785, at the same time with most of those now under dispatch from hence. The Sales of which the Company is at the proper time deprived, are not in any adequate degree made good by the increasing amount of the ensuing ones; and the amount of the Sales in general has been of late uncommonly curtailed by the prevalence of Smuggling. Duties have been laid on commodities imported by the Company, especially on Tea, amounting to an absolute prohibition, unless the exclusive privilege of supplying the consumption could be maintained impedita; and the inefficacy of the laws and regulations for that purpose against Smuggling, do not, upon a moderate computation, diminish the Sales so little as a million per annum, which would be added to the Credit side of the above Estimate, if Smuggling even Tea alone could be prevented.

“ The extra demorage, occasioned by waiting for convoys, amounts alone to more than all the postponed demand of Government; and the high rate of  
freight

freight during the war, has very heavily loaded the homeward-bound trade.

“ The war in India has for some years past not only exhausted the whole revenue in India, which used to supply the investment for Europe and China, and thereby occasioned the bills to be drawn which are now unaccepted, but has also been a heavy burthen on the Company’s trade.

“ The Company has sustained losses at sea, occasioned by the war, amounting to upwards of 750,000l.

“ The Company is restrained by Parliament from making any use of its credit to relieve these temporary distresses, or from borrowing money, even of the members of its own body, or in any other quarter except Government.

“ And finally, your Court of Directors beg leave to observe, that, under all these disadvantages, the favour wanted from Government amounts to no more than granting about fifteen months extra credit for the duties as they fall due, until the trade can be brought back into its regular channel; and for the bill-holders to allow such time of payment as may enable the Company to convert into cash, for that purpose, the goods, for the purchase of which those bills were drawn. And it appears, that, unless some  
uncommon

uncommon disaster, beyond what is incident to peaceable navigation, befalls the Company's homeward-bound ships, they can never be without goods in their warehouses in London (which are always kept under the lock of Government), or value far superior to the whole amount at any time necessary to be so postponed; whilst the return of peace opens an immediate prospect of savings from the revenue in India, sufficient to give a speedy relief to every distress which the war has brought upon the Company."

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Vesting the Affairs of the East India Company in the Hands of certain Commissioners, for the Benefit of the Proprietors, and the Public.

WHEREAS disorders of an alarming nature and magnitude have long prevailed, and do still continue and increase, in the management of the territorial possessions, the revenues, and the commerce, of this kingdom in the East Indies; by means whereof the prosperity of the natives hath been greatly diminished, and the valuable interests of this nation in the said territorial possessions, revenues, and commerce, have been materially impaired; and would probably fall into utter ruin, if an immediate and fitting remedy were not provided:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the government and management of the territorial possessions, revenues, and commerce, of the United Company of Merchants of England trading to the East Indies, by the Directors and Proprietors of the

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said Company, or either of them ; and all and singular the powers and authorities of the said Directors and Proprietors, or of any special, or general, or other Court thereof, in the ordering and managing the said possessions, revenues, and commerce ; and all elections of Directors of the said United Company ; be and are hereby declared to be discontinued, for and during the continuance of this Act ; any charter, usage, law, or statute, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That for the better governing, ordering, and managing the said territorial possessions, revenues, and commerce, the right honourable William earl Fitzwilliam, the right honourable Frederick Montagu, the right honourable George Legge, commonly called lord viscount Lewisham, the honourable George Augustus North, Sir Gilbert Elliot, Baronet, Sir Henry Fletcher, Baronet, and Robert Gregory, Esquire, shall be, and they are hereby constituted and appointed Directors of the said United Company, and shall be, and they are hereby constituted Members of the said Company ; and that the said Directors hereby appointed, or any Three of them, shall have, use, possess, and exercise, all and singular the powers and authorities which have been, at any time heretofore, vested in or lawfully exercised by the said Directors hereby discontinued, or Proprietors, or by the general Court of Proprietors, of the said United Company, and all such farther and other powers and authorities, and under such directions, and subject to such limitations and restrictions, as in this A&t, or in any other A&t, the provisions whereof are not hereby altered or repealed, are contained, for the government and management of the said territorial possessions, revenues, and commerce, of the said United Comp..ny, or in anywise relative thereto.

And be it further enacted by the authority aforesaid, That the said Directors hereby appointed shall, and they are hereby authorized and empowered, immediately from and after the commencement of this A&t,

to enter into and upon, and to possess themselves of all lands, tenements, houses, warehouses, and other buildings whatever, of or belonging to the said United Company; and also to take into their custody and possession all books, records, documents, charters, acts, instruments, letters, and other papers whatsoever; and also all ships and vessels, goods, wares, merchandizes, money, securities for money, and all other effects whatsoever, of or belonging to the said United Company, in trust for, and for the benefit of the Proprietors thereof, and to have, hold, and possess the same, in like manner as they were held and possessed by the Directors hereby discontinued, subject to such charges, claims, and demands, as do or may affect the same; which Directors so discontinued, and all other officers and servants of the said United Company, are hereby enjoined, immediately upon the requisition of the said Directors hereby appointed, signified under their hands and seals, or the hands and seals of any Three of them, to deliver to them, or to such person or persons as they shall for that purpose appoint, all such lands, tenements, houses, warehouses, buildings, books, records, documents, charters, acts, instruments, papers, ships, vessels, goods, wares, and merchandizes, money, securities for money, and all other effects whatsoever.

And, for the sole purpose of ordering and managing the commerce of the said United Company, under and subject to the orders and directions of the said Directors hereby appointed, be it further enacted by the authority aforesaid, That Thomas Cheap, Esquire, George Cuming, Esquire, Richard Hall, Esquire, John Harrison, Esquire, Joseph Sharp, Esquire, John Michie, Esquire, John Smith, Esquire, George Tattem, Esquire, and James Moffat, Esquire, being Proprietors, each of them of Two Thousand Pounds capital stock in the said United Company, at least, shall be Assistant Directors, for the purpose last aforesaid; and shall, from time to time, without requisition, and also as often as they shall be thereunto required,

required, render an account of their proceedings to the said Directors hereby appointed; and in all matters and things whatsoever, shall pursue and follow such orders and directions, as they shall from time to time receive from such Directors.

And be it further enacted, by the authority aforesaid, That in case any vacancy or vacancies shall happen in the office of the said Directors hereby appointed, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled by his Majesty, under his sign manual, within Twenty days after notice of such vacancy or vacancies shall have been given to one of his Majesty's principal Secretaries of State.

And be it further enacted, by the authority aforesaid, That in case any vacancy or vacancies shall happen in the office of the said Assistant Directors, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled by the majority of the Proprietors of the said United Company, qualified in the manner required by an Act of the Thirteenth year of his present Majesty, intituled, " An Act for establishing certain regulations, for the better management of the affairs of the East India-Company, as well in India as in Europe;" which Proprietors, at such election of any Assistant Director, shall not vote by ballot, or in any other covert or concealed manner, but in an open court, for that purpose only specially summoned; and every such proprietor, in giving his or her vote, shall subscribe his or her name in a book to be prepared for that purpose, under the name of the person for whom he or she shall vote.

And be it further enacted by the authority aforesaid, That, if Five of the said Directors hereby appointed, who shall be present at any meeting, shall, upon enquiry, and after examination into the conduct and behaviour of the said Assistant Directors, find that any of them is guilty of neglect or misdemeanor in the execution of his said office, or of wilful disobedience

dience of any order or orders of the said Directors hereby appointed, they are hereby authorized and impowered to remove and displace such Assistant Director; entering in their journals, their reasons, respectively, for removing or displacing such Assistant Director, signed with their respective names.

And be it further enacted by the authority aforesaid, That the said William earl Fitzwilliam shall be, during his continuance as a Director by virtue of this A&t, Chairman of the board of Directors, and the said right honourable Frederick Montagu Deputy Chairman thereof; and if the said Chairman shall die, resign, or be removed from such office of Director, at any time during the continuance of this A&t, then and in that case the said Deputy Chairman shall succeed to the office of Chairman of the said board of Directors; and if the said Deputy Chairman, being become Chairman of the said board of Directors, shall also die, resign, or be removed from the said office of a Director, then and in that case, and also in every other case of a vacancy in the office of Chairman of the said board of Directors, the said Directors hereby appointed shall choose and elect one of themselves to supply such vacancy; and if a vacancy, either by succession or otherwise, shall at any time happen in the said office of Deputy Chairman of the said board of Directors established by this A&t, the said Directors hereby appointed shall, in like manner, choose and elect one of themselves to supply such vacancy.

And be it further enacted by the authority aforesaid, That the said Chairman of the said board of Directors, or, in his absence, the said Deputy Chairman, shall have power to call or summon any extraordinary meeting of the said Directors hereby appointed, at such time or times as he shall think expedient; and may, at any meeting whatever of such Directors, if he shall think fit, propose the business to be first considered by such Directors at such meeting; and, in case of an equal division of voices on any question

question whatever before the said board of Directors, shall have the casting voice: provided always, That nothing herein contained shall prevent the majority of such Directors present at any meeting, from adjourning their meetings to such time or times as they shall think proper.

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Directors hereby appointed, or any of them, upon any question whatever, to vote by ballot, or in any other covert manner; and that in any difference of opinion, except as to the election to offices of persons not having before been in the service of the said United Company, the said Directors (as well the majority as those who shall dissent) shall each of them enter, on the journals of the said Directors, his reasons for his vote, signed with his name, or his adherence to the reasons entered by any other Director.

And be it further enacted by the authority aforesaid, That no person furnishing the said United Company with shipping, or with any article of their investment outwards, either from Great Britain, or from such ports and places as the Company's ships have occasion to touch at in their way to India, or with any naval or military stores, or concerned in buying and selling any commodity of the said United Company's importation, shall be capable of being a Director, or Assistant Director, for the execution of this Act.

And be it also enacted by the authority aforesaid, That no person shall be capable of being a Director, or Assistant Director, for the execution of this Act, against whom the charge of any corrupt practice, peculation, or oppression in India, doth or shall appear in the records of the said United Company within the space of Two Years before the time of his nomination, or shall be made upon oath before the said Directors hereby appointed within the space of Two Years before the time of his nomination, until such Directors, or Three of them, shall have examined into the same, and shall have severally declared that they

they have examined into the said charge, and do in their conscience believe such person not guilty of the said charge; or that they do, upon the said examination, find the said charge not of sufficient importance to exclude the said person from the said office of Director, or Assistant Director, as the case may be; and that they have entered upon their journals their reasons for such their opinion.

And be it further enacted by the authority aforesaid, That no person who hath been, now is, or shall hereafter be, in the service of the said United Company in India, shall be capable of being a Director, or Assistant Director, for the execution of this Act, within the space of Two Years from the time of his last return from India.

And be it further enacted by the authority aforesaid, That the said Directors hereby appointed shall, Once in every Six Months, lay before the Proprietors of the said United Company, in a general Court to be for that purpose assembled, an exact state of the debts and credits of the said United Company; the first cost and charges of their investments, outward and inward; with the sums of money in India, applicable to an investment, according to the last accounts received therefrom; an account of the shipping; an account of the produce of the sales; and the state of the warehouses at home and abroad.

And be it further enacted by the authority aforesaid, That the said Directors hereby appointed shall, within Twenty days after the commencement of every session of Parliament, lay before the Lords Commissioners of his Majesty's Treasury (who are hereby authorized and required, without loss of time, to lay the same before both Houses of Parliament) an account of the produce of the territorial and other revenues of the said United Company in India; and also estimates of the civil, military, and naval establishments there; together with a state of the bond and other debts due from the said United Company in India, distinguishing what belongs to each of the principal presidencies and

and settlements of the said United Company in India ; and also the state of the trade, laid by the said Directors before the said Proprietors at their then last general Court.

And be it further enacted by the authority aforesaid, That the said Directors hereby appointed, or the major part of them, shall have full power and authority to remove, displace, suspend, appoint, confirm, or restore all and every person or persons whatsoever, from or to any office, station, or capacity whatsoever, civil or military, in the service of the said United Company, or within the limits of the said United Company's charters, or any of them, or any way concerned in the management of their affairs within this kingdom, or in India, whether any such person or persons shall have been nominated or appointed in and by any Act or Acts of Parliament, or howsoever otherwise nominated or appointed ; except as is herein provided and established, as to the appointment and removal of such Directors themselves, and of the said Assistant Directors.

And, for the more speedy and effectual punishment of offences committed in India, by persons employed in the service of the said Company, be it enacted by the authority aforesaid, That whenever any charge of corruption, peculation, oppression, extortion, receipt of presents, usury, breach of orders, or other grievous offence, shall be exhibited or made before the Governor General and Council of Bengal, or the President and Council of any of the presidencies or settlements abroad of the said United Company, and transmitted from thence to the Court of Directors hereby discontinued, or to the said Directors hereby appointed, against any of the said Governors, Presidents, or Members of the Council, of any of the said presidencies or settlements of the said United Company, or others, in any office, station, or employment, civil or military, in the said United Company's service ; or which shall be exhibited or made by any of the native Princes, dependent upon or under

der the protection of the said United Company, against any such person or persons; the said Directors hereby appointed, shall, within twenty days after the same shall be received, enter into an examination of such charge: and if, upon or in consequence of such examination, such Directors shall not think proper either to recall or order a prosecution against such person so charged, each and every such Director making such examination as aforesaid into such charge, shall enter in writing, and subscribe with his name, in the journals of such Directors, his opinion on the validity and importance of such charge, with his specific reasons, on the particular case, for not recalling the person so charged, or for not ordering a prosecution upon such charge.

And be it further enacted by the authority aforesaid, That before any person or persons whatsoever, who have been, are, or shall hereafter be, in the service of the said United Company, in any office, station, or employment whatsoever, civil or military, in any of the presidencies or settlements of the said United Company abroad; and who have been, or are, or shall be, in Great-Britain after such service abroad; and against whom any charge shall appear upon any part of the Company's records, or shall have been made to the said Court of Directors hereby discontinued, or General Court of Proprietors, or shall be made or exhibited to the said Directors hereby appointed; shall be permitted by the said Directors hereby appointed to return to any part of India, either in the same or in any other office, station, or employment, in the service of the said United Company: and also, before the said Directors hereby appointed shall confirm the appointment, or suffer the departure from Great-Britain for India, of any person or persons who may have been or shall be appointed to any office, station, or employment whatsoever, in the service of the said United Company, and against whom any such charge shall appear, or

shall have been made, or shall be made, as aforesaid; and also before the said Directors hereby appointed, shall themselves appoint any person, having before been in the service of the said United Company, to any office, station, or employment whatsoever, in the said United Company's service, and against whom any such charge shall appear, or shall have been made, or shall be made as aforesaid; the said Directors hereby appointed shall, and they are hereby required, to make a full and particular examination and enquiry into the conduct of every such person, relative to the said service and the subject matter of such charge; and shall enter on their journals their reasons for permitting any such person to return, or confirming the appointment, and permitting the departure, of any such person, or for themselves appointing any such person (as the case may be), notwithstanding such charge.

And be it further enacted by the authority aforesaid, That, in case of any disputes, differences, or controversies whatsoever, which have arisen and are depending, or which shall or may hereafter arise, between the Governor-General and Council of Bengal; or between any of the presidents of any other of the settlements of the said United Company, and their respective councils; or between any of the subordinate chiefs and their councils; or between the government of one settlement and the government of any other settlement; or between any of the governors or presiding powers of any of the subordinate settlements; the said Directors hereby appointed shall, within Twenty days after the receipt of any official account of any such dispute, difference, or controversy, enter upon an examination and enquiry into the same; and shall, within Three months thereafter, either come to a definitive decision thereupon, or enter upon their journals their reasons, signed with their respective names, for not coming to such definitive decision.

And

And be it further enacted by the authority aforesaid, That, if at any time the Governor General and Council of Bengal, or the President and Council of any of the principal or subordinate settlements, shall require the direction or opinion of the said Directors hereby appointed, on any matter whatsoever for the government of such Governor General and Council, or President and Council, or for the settlement or accommodation of any matter in dispute, or likely to come into dispute, between or among them, or any of them ; the said Directors shall return an answer, opinion, or direction, to such requisition, within Three months after receiving the letter or letters containing the same, or enter upon their journals their reasons signed, with their respective names, for not sending the same within the time aforesaid.

And be it enacted by the authority aforesaid, That, if at any time any complaint shall be made of any breach of treaty, injury, wrong, or grievance, done or committed against any native Prince in India, by any of the governments of the said United Company's settlements, or any officer or other person, civil or military, in the service of the said United Company ; or if any such breach of treaty, injury, wrong, or grievance, shall (without complaint being made thereof) appear upon any part of the correspondence relating to the said United Company's affairs ; the said Directors hereby appointed shall, as speedily as may be, enquire into such breach of treaty, injury, wrong, or grievance : and shall begin their examination into the same, by reading and considering any treaties, agreements, or assurances, subsisting between the said United Company and such native Prince, or any way relative to him, if any such there shall be, or any orders which may have been given by the Court of Directors hereby discontinued, or general Court of Proprietors, relating to such native Prince ; and the said Directors hereby appointed shall do full and complete justice to such native Prince for such breach of treaty, injury,

injury, wrong, or grievance, and on every material article and head of charge (if there be more than one) specifically, and not upon the whole of such charge in gross.

And be it further enacted by the authority aforesaid, That Three, and not less, of the said Directors, shall form a Board for executing this act, or any of the powers thereof, or any other powers vested in or committed to, or which shall be vested in or committed to, such Directors: and the major part of the said Directors present shall determine, except where the voices shall be equally divided, and then the Chairman, or, in his absence, the Deputy Chairman, shall have two voices, or the casting voice.

And be it further enacted by the authority aforesaid, That all the correspondence of the said Directors hereby appointed, with all persons whatsoever in the service of the said United Company, shall be signed by the Secretary of such Directors, by order of the board.

And whereas, by virtue of the charter of the said Company, and the regulations which have from time to time been made for the better government of the said Company, it is required, that certain acts should be done or consented to, and that certain accounts should be signed by a particular number of the Directors hereby discontinued; be it therefore enacted by the authority aforesaid, That in all cases whatsoever, where any act, matter, or thing is directed to be done or consented to, or any accounts or writing to be signed by the Directors hereby discontinued, or to be done or consented to, or signed by any particular number of such Directors, such act, matter, or thing shall, from and after the commencement of this act, be done or consented to, and such accounts or writing shall be signed by Three of the Directors hereby appointed.

And be it further enacted by the authority aforesaid, That the said Directors hereby appointed, and Assistant Directors, and each and every of them, during the con-

continuance of this act, shall be utterly incapable of taking, holding, or exercising, any office, station, or employment whatsoever, in the service of the said United Company; and shall also be incapable of taking, holding, or exercising any other place of profit from the crown, during pleasure.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty to remove any of the said Directors hereby appointed, or Assistant Directors, upon an address of either House of Parliament.

And whereas a doubt may arise, whether the place of Director, when the same shall be held by any person to be appointed by his Majesty in manner herein before provided, be not within the provision of an act of the Sixth year of the reign of Queen Anne, intituled, " An Act for the security of her Majesty's Person and Government, and of the succession to the Crown of Great-Britain in the Protestant line," although the said place shall have been created and erected by authority of Parliament; be it therefore enacted and declared by the authority aforesaid, That such office shall not be deemed and taken to be within the intent and purview of the said act; nor shall any person accepting and holding the same by an appointment from his Majesty under his royal sign manual, be thereby disqualified from being elected, or sitting and voting as a member of the House of Commons.

And be it further enacted by the authority aforesaid, That there shall be allowed and paid for, and to each of the Assistant Directors, for so long time as he shall continue in the office, a clear yearly salary of five hundred pounds, payable by half-yearly payments; and that the respective payments of the said salaries shall be stated and allowed in the account of the disbursements for the management of the affairs of the said United East India Company.

And be it further enacted by the authority aforesaid, That this act, and all the provisions herein contained, shall

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shall commence and take effect from and immediately after this act shall have received his Majesty's Royal assent, and shall continue and be in force for and during the space of four years.



SECOND EDITION, with a POSTSCRIPT,

THE  
EFFECTS  
TO BE EXPECTED FROM THE  
EAST INDIA BILL,  
UPON THE  
CONSTITUTION  
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